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MISSOURI TROOPS IN SERVICE DURING THE CIVIL WAR.

373

LETTER

FROM THE

SECRETARY OF WAR,

IN RESPONSE TO

THE SENATE RESOLUTION PASSED ON JUNE 14, 1902, TRANSMITTING A PAPER PREPARED BY THE CHIEF OF RECORD AND PENSION OFFICE OF THE WAR DEPARTMENT, SHOWING VARIOUS CLASSES OF MISSOURI VOLUNTEERS, MILITIA, AND HOME GUARDS IN SERVICE DURING THE CIVIL WAR, AND THE LAWS, ETC., UNDER WHICH THEY WERE RAISED; ALSO WHAT CLASSES OF SUCH ARE RECOGNIZED BY THE WAR DEPARTMENT AS BEING IN THE MILITARY SERVICE OF THE UNITED STATES AND WHAT CLASSES ARE NOT SO RECOGNIZED.

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LETTER OF TRANSMITTAL.

War Department,
Washington, June 16, 1902.

Sir: In response to the Senate resolution of the 14th instant, in which the Secretary of War is directed to transmit to the Senate a statement showing the various classes of Missouri volunteers, militia, and home guards that were in the service during the civil war, the designations of the organizations composing them, and the laws, orders, and regulations under which they were raised; also what organizations or classes of these troops are recognized by the War Department as having been in the military service of the United States and what organizations or classes are not so recognized, I have the honor to transmit herewith a paper on the subject of the Senate resolution, prepared by the Chief of the Record and Pension Office of this Department.

Very respectfully, Elihu Root,
Secretary of War.

The President pro tempore United States Senate.

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INTRODUCTORY REMARKS.

The conditions existing in Missouri during the civil war were peculiar in that the State was represented by two governments, one maintaining its allegiance to the Federal Union, the other, after declaring the State a sovereign and independent republic, forming an alliance with the Confederate States and finally acknowledging organic union therewith.

These exceptional conditions, and others which resulted from the geographical position of the State and the divided sentiment of its people, forming them into hostile factions, resulted in many perplexities and informalities in the organization of the military forces of the State and the creation of a great variety of organizations, especially on the side of the Union, some of them previously unknown to the military service of the United States. These irregularities caused much perplexity and misunderstanding as to the status of some of the organizations and the relations of their members to the State and to the General Government.

The nature of these irregularities and their results will be pointed out in the following pages. It is sufficient here to state that not less than seventeen different classes of troops were organized in the State of Missouri on the Union side alone, not counting the several varieties of those classified in this paper as Home or Citizen Guards.

UNION ORGANIZATIONS.

THREE MONTHS' MILITIA, 1861.

On April 15, 1861, the President issued his proclamation calling for 75,000 militia for the purpose of suppressing insurrection and "to cause the laws to be duly executed." This proclamation was in terms as follows:

Whereas, the laws of the United States have been for some time past and now are opposed and the execution thereof obstructed in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas by combinations too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals by law:

Now, therefore, I, Abraham Lincoln, President of the United States, in virtue of the power in me vested by the Constitution and the laws, have thought fit to call forth, and hereby do call forth, the militia of the several States of the Union, to the aggregate number of 75,000, in order to suppress said combinations and to cause the laws to be duly executed.

The details of this object will be immediately communicated to the State authorities through the War Department.

I appeal to all loyal citizens to favor, facilitate, and aid this effort to maintain the honor, the integrity, and the existence of our national Union and the perpetuity of popular government, and to redress wrongs already long enough endured.

I deem it proper to say that the first service assigned to the forces hereby called forth will probably be to repossess the forts, places, and property which have been seized from the Union, and in every event the utmost care will be observed consistently with the objects aforesaid to avoid any devastation, any destruction of or interference with property, or any disturbance of peaceful citizens in any part of the country.

And I hereby command the persons composing the combinations aforesaid to disperse and retire peaceably to their respective abodes within twenty days from date.

Deeming that the present condition of public affairs presents an extraordinary occasion, I do hereby, in virtue of the power in me vested by the Constitution, convene both Houses of Congress.

Senators and Representatives are therefore summoned to assemble at their respective Chambers at 12 o'clock noon on Thursday, the 4th day of July next, then and there to consider and determine such measures as in their wisdom the public safety and interest may seem to demand.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 15th day of April, in the year of our Lord 1861, and of the independence of the United States the eighty-fifth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

[Official Records of the Union and Confederate Armies, Series III, Vol. I, pp. 67, 68.]

On the date of this proclamation the Secretary of War addressed letters to the governors of twenty-four States, including one to the governor of Missouri of which the following is a copy:

WAR DEPARTMENT,
Washington, April 15, 1861.

SIR: Under the act of Congress "for calling forth the militia to execute the laws of the Union, suppress insurrections, repel invasions," etc., approved February 28, 1795,

I have the honor to request your excellency to cause to be immediately detached from the militia of your State the quota designated in the table below, to serve as infantry or riflemen for the period of three months, unless sooner discharged.

Your excellency will please communicate to me the time at or about which your quota will be expected at its rendezvous, as it will be met as soon as practicable by an officer or officers to muster it into the service and pay of the United States. At the same time the oath of fidelity to the United States will be administered to every officer and man. The mustering officer will be instructed to receive no man under the rank of commissioned officer who is in years apparently over 45 or under 18, or who is not in physical strength and vigor.

* * * * * * *

SIMON CAMERON,
Secretary of War.

[Ibid., pp. 68, 69.]

The quota of the State of Missouri, designated in the table which accompanied this letter, was four regiments of infantry, being an aggregate of 3,123 officers and enlisted men, including one brigadier-general.

On the same date, also, April 15, 1861, an order was issued from the War Department detailing officers of the Regular Army to muster the troops into the military service of the United States, the order for the State of Missouri being as follows:

SPECIAL ORDERS, No. 106. } WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, *Washington, April 15, 1861.*

The officers named below are detailed to muster into the service of the United States, for the States, and at the stations set opposite their names, respectively, the troops called out by the President's proclamation of this date.

They will acknowledge the receipt of this order, repair to the rendezvous designated, and report their arrival to the Adjutant-General of the Army and the governors of the respective States, and will execute the duties assigned them with as little delay as practicable, reporting the progress and completion of their labors to the Adjutant-General of the Army direct.

In addition to these duties, the mustering officers will perform such staff duties as may be assigned them by the chiefs of the supply departments of the Army.

* * * * * * *

Missouri, St. Louis. First Lieut. J. M. Schofield, First Artillery, and First Lieut. George B. Cosby, Second Cavalry.

* * * * * * *

By order of the Secretary of War:

L. THOMAS, *Adjutant-General.*

The governor of the State emphatically declined to honor the requisition of the President, advising the Secretary of War, in a telegram dated April 17, 1861, as follows:

EXECUTIVE DEPARTMENT,
Jefferson City, Mo., April 17, 1861.

Hon. SIMON CAMERON,
Secretary of War.

SIR: Your dispatch of the 15th instant, making a call on Missouri for four regiments of men for immediate service, has been received. There can be, I apprehend, no doubt but the men are intended to form a part of the President's army to make war upon the people of the seceded States.

Your requisition, in my judgment, is illegal, unconstitutional, and revolutionary in its object, inhuman and diabolical, and can not be complied with. Not one man will the State of Missouri furnish to carry on any such unholy crusade.

C. F. JACKSON, *Governor of Missouri.*

[Ibid., pp. 82, 83.]

On the same date, April 17, 1861, Mr. Frank P. Blair, jr., telegraphed to the Secretary of War:

EAST ST. LOUIS, *April 17, 1861.*

Hon. S. CAMERON, *Secretary of War:*

Our governor will not meet your requisition for volunteers. Will you accept independent companies and regiments from Missouri? If so, please order Captain Lyon to muster them into service.

* * * * * * *

FRANK P. BLAIR, Jr.

[Ibid., Series I, Vol. LIII, pp. 488, 489.]

On April 19, 1861, Mr. Blair again telegraphed the Secretary of War, as follows:

EAST ST. LOUIS, *April 19, 1861.*

Hon. SIMON CAMERON:

* * * Send order by telegraph at once for mustering men into service to Capt. N. Lyon. It will surely then be executed, and we will fill your requisition in two days. * * * Answer immediately.

FRANK P. BLAIR, Jr.

[Ibid., Series I, Vol. I, pp. 668, 669.]

On April 21, 1861, Brigadier-General Harney, commanding the Department of the West, denied the request of Captain Lyon, commanding the troops at the St. Louis Arsenal, that he be authorized to accept the services of volunteers for its defense. General Harney's letter on this subject is as follows:

HEADQUARTERS DEPARTMENT OF THE WEST,
St. Louis, Mo., April 21, 1861.

Capt. N. LYON,
Second Infantry, Commanding Troops, St. Louis Arsenal, Mo.

SIR: Your two communications of this date, one asking for authority to accept the services of volunteers in the defense of the St. Louis Arsenal, * * * have been laid before the commanding general, who deems it inexpedient to approve the recommendations contained in your communications.

I am, sir, very respectfully, your obedient servant,

S. WILLIAMS,
Assistant Adjutant-General.

[Book No. 8, Department of the West, pp. 71, 72.]

On the same date Brigadier-General Harney was relieved from his command in an order from the War Department of which the following is a copy:

ADJUTANT-GENERAL'S OFFICE,
Washington, April 21, 1861.

Brig. Gen. W. S. HARNEY,
Commanding Department of the West, St. Louis, Mo.

GENERAL: I am directed by the Secretary of War to say that you are hereby relieved from the command of the Department of the West,[a] which will devolve upon the senior officer in the department, and you will repair to this city and report to the General in Chief.

I have the honor to be, very respectfully, your obedient servant.

L. THOMAS, *Adjutant-General.*

[Official Records of the Union and Confederate Armies, Series I, Vol. I, p. 669.]

On the same date also, April 21, 1861, Captain Lyon was instructed by the War Department to execute the order previously given to pro-

[a] Revoked by Special Orders, No. 128, A. G. O., May 8, 1861.

tect the public property and execute the laws, and to "muster four regiments into service." The telegram conveying these instructions is as follows:

ADJUTANT-GENERAL'S OFFICE, *April 21, 1861.*

Capt. N. LYON,
Second Infantry, East St. Louis:

General Harney has this day been relieved from his command. The Secretary of War directs that you immediately execute the order previously given to arm the loyal citizens, to protect the public property and execute the laws. Muster four regiments into the service.

L. THOMAS, *Adjutant-General.*

[Ibid., p. 670.]

Further correspondence on the same subject was had between Mr. Frank P. Blair, jr., Capt. Fitz John Porter, assistant adjutant-general (then at Harrisburg, Pa., on a special mission for the War Department), and others. Captain Porter reported:

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Philadelphia, May 1, 1861.

Col. LORENZO THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

COLONEL: I respectfully repeat in writing my report substantially made verbally to the General in Chief of my late expedition from Washington to Harrisburg, Pa.

* * * * * * *

Seated in Governor Curtin's telegraph office at the capitol Governor Curtin handed me the following dispatch, suggesting at the time I should reply to it as I had to others already received from the same person:

"ST. LOUIS, MO., *April 21, 1861.*

"Governor A. G. CURTIN, *Harrisburg, Pa.:*

"An officer of the Army here has received an order to muster in Missouri regiments. General Harney refuses to let them remain in the arsenal grounds or permit them to be armed. I wish these facts to be communicated to the Secretary of War by special messenger and instructions sent immediately to Harney to receive the troops at the arsenal and arm them. Our friends distrust Harney very much. He should be superseded immediately by putting another commander in the district. The object of the secessionists is to seize the arsenal with its 70,000 stand of arms, and he refuses the means of defending it. We have plenty of men but no arms.

FRANK P. BLAIR, Jr."

A previous message had been received asking that Capt. N. Lyon, Second Infantry, should be assigned as mustering officer and to arm and equip the troops and to command them, and I had replied that Lieut. J. M. Schofield, then in St. Louis, had been detailed as mustering officer. Other telegrams came urging Lyon's appointment, so when the above dispatch was handed to me, I felt it was my duty, and that I would be justified to use the name and authority of the Secretary of War and of the General in Chief, and I at once telegraphed:

"HARRISBURG, PA., *April 21, 1861.*

"General HARNEY,
"*Commanding, St. Louis, Mo.:*

"Capt. Nathaniel Lyon, Second Infantry, is detailed to muster in the troops at St. Louis and to use them for the protection of public property. You will see that they are properly armed and equipped.

"By order of Lieutenant-General Scott:

"F. J. PORTER,
"*Assistant Adjutant-General.*"

"HARRISBURG, PA., *April 21, 1861.*

"Hon. FRANK P. BLAIR, Jr., *St. Louis, Mo.:*

"Capt. N. Lyon, Second Infantry, has been detailed to muster in the troops at St. Louis and to use them for the protection of public property.

"By order of the Secretary of War:

"F. J. PORTER,
"*Assistant Adjutant-General.*"

Similar telegrams were sent to Maj. Seth Williams and to Captain Lyon.

* * * * * * *

Very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant-General.

[Ibid., Series I, Vol. LI, Part I, pp. 345–351.]

The immediate result of the repeated instructions to General Harney and Captain Lyon appears in special orders issued by the former on April 22, 1861, as follows:

SPECIAL ORDERS, No. 58. HEADQUARTERS DEPARTMENT OF THE WEST, *St. Louis, Mo., April 22, 1861.*

In compliance with instructions which have been received from the headquarters of the Army, "Capt. N. Lyon, Second Infantry, is detailed to muster in the troops at St. Louis and to use them for the defense of the public property."

By order of Brigadier-General Harney:

S. WILLIAMS,
Assistant Adjutant-General.

[Book No. 87, Departments of the West and Western, p. 294.]

On the same date, April 22, 1861, Captain Lyon telegraphed as follows:

EAST ST. LOUIS, [*April*] *22, 1861.*

Col. L. THOMAS, *Adjutant-General:*

Dispatch to muster troops received at twelve (12) o'clock last night. I have to-day received seven hundred (700) men, and armed six hundred (600).

N. LYON,
Captain, Second Infantry.

[R. & P., 463363.]

Under date of April 27, 1861, Captain Lyon, then commanding the St. Louis Arsenal, made a detailed report of his operations in a letter of which the following is an extract:

ST. LOUIS ARSENAL, *April 27, 1861.*

Col. L. THOMAS,
Adjutant-General, Washington, D. C.

SIR: Since receiving the authority to receive and muster in Missouri troops at this place, it has been a physical impossibility to write for the purpose of informing the Department of what is transpiring here. The first telegraphic dispatch of the 21st instant, from Major Porter, was received about 12 o'clock of that night, and the volunteer companies commenced arriving early next morning. About 700 arrived that day and 600 were armed. On the next day (Tuesday, 23d) nearly the same number arrived and 400 were armed. Through Wednesday and Thursday the arrivals continued about the same, and on Thursday 2,100 had been received, armed, and sworn into the United States service. Through yesterday and to-day about 200 men per day have been received, and all except one company armed. One regiment is full, two others are nearly full, and about half a regiment more is formed. Offers to the extent of several thousands more will doubtless be made, and if it is the wish of the Government to accept them, I shall need to be so informed, as my orders now limit me to four regiments. As there is artillery enough of light and heavy pieces for about three companies, and as there are many excellent artillerists who are exceedingly anxious to organize as artillery companies, I have started a battalion of three companies for the purpose of working our pieces, and to be ready for active service with them in the field in case of moving. I also have an application to accept a company of sappers and miners who have had experience in Europe, and I propose to do so. A complete and in a short time an efficient army corps can be thus organized at this point. I desire the instructions of the War Department upon these matters. As these troops were received at once upon obtaining authority, and without any provisions beforehand for them, and without officers of the Subsistence and Quartermaster departments on the spot to attend upon them, and no arrangements for quartering them, great inconvenience to them has occurred, and an overwhelming business devolved upon myself.

I have been much in want of officers for company and staff duties. Lieutenant Schofield has cordially cooperated in swearing these troops into the service. Some

buildings outside, having commanding positions, I have hired and occupied with troops in order to obtain additional room, as also to have in possession the positions desired by the secessionists for carrying out their long-cherished scheme of capturing this place.

* * * * * * *

Very respectfully, your obedient servant,

N. Lyon,
Captain, Second Infantry, Commanding.

[95 L., A. G. O., 1861.]

On April 30, 1861, Captain Lyon wrote the Adjutant-General:

St. Louis Arsenal, *April 30, 1861.*

Col. L. Thomas,
Adjutant-General, U. S. Army, Washington.

Sir: I am accepting all the troops that offer, and at this time some 3,300 have offered, and 3,082 are armed. Deeming the emergencies pressing and fully requiring the Government to avail itself of all available resources, I shall still accept these volunteers till countermanding orders are received. This is unavoidable, both because the Government needs the services of these men, and because of the fear of State tyranny to force them into the secession ranks. No doubt 10,000 men can be raised here, and indications are that they will be needed sooner or later to meet the determined purpose of the State authorities to overturn the authority of the General Government, which, if true to herself, can maintain it here.

* * * * * * *

Very respectfully, your obedient servant,

N. Lyon,
Captain, Second Infantry, Commanding.

[Official Records of the Union and Confederate Armies, Series I, Vol. I, pp. 675, 676.]

Five regiments of infantry, a battalion of light artillery and a company of pioneers were speedily completed and mustered into the military service of the United States as Missouri Militia, thus more than filling the quota of the State under the President's proclamation of April 15, 1861; and in another part of this paper it will be seen that another class of troops was subsequently organized, under the title of United States Reserve Corps, for three months' service, which has been recognized as Missouri Militia received under the call of April 15, 1861, making the number furnished under that call something more than 10,000 men. The company and regimental officers of the three months' Missouri Militia of 1861 were elected and were mustered into service without commissions. Captain Lyon, by whom the regiments had been organized, was elected by the field and company officers of the First Brigade as brigadier-general, and proceeded to assume the command of the several regiments organized by him and to appoint some of the officers of his staff. His action in this respect is fully set forth in a letter to the Adjutant-General of the Army, dated May 15, 1861, with which he inclosed a copy of the orders issued by him on his assumption of the command. The letter and inclosure are as follows:

St. Louis Arsenal, *May 15, 1861.*

Col. L. Thomas,
Adjutant-General, Washington, D. C.

Sir: I have the honor to inclose a copy of a general order issued by me upon receiving the certified returns of the election held by the field and company officers of the four regiments called for from Missouri by proclamation of the President, which constitute the First Brigade of Missouri Volunteers, for the brigadier-general.

By the laws of the State of Missouri a brigadier-general has the power to appoint the officers of his staff named in the order, with the respective rank as therein stated. Besides these, he can also appoint a quartermaster, judge-advocate, and surgeon, with the rank of major, and an assistant surgeon, with the rank of captain.

The office of quartermaster is temporarily filled. No appointments have been made for the other offices last named.

The appointments announced were made in conformity with the Missouri militia law and are respectfully referred to the Department, with the request that instructions in regard to them may be transmitted to me, setting forth whether or not the laws of Missouri shall be the basis of the formation of this brigade, or, if not, what provisions in respect to the staff officers of the brigade are or will be authorized by the General Government.

I am, sir, very respectfully, your obedient servant,

N. LYON, *Captain, Second Infantry, Commanding.*

[Inclosure.]

HEADQUARTERS FIRST BRIGADE MISSOURI VOLUNTEERS,
St. Louis Arsenal, May 12, 1861.

ORDERS, No. 1.

1. By the authority of the President of the United States the undersigned will retain the command of the different regiments which have been enrolled at these headquarters.

2. Having been elected brigadier-general of the four regiments which constitute the First Brigade of Missouri Volunteers, the undersigned accepts the position thus tendered him, subject to the future action of the proper authorities, and returns his thanks to the officers and men of those regiments for the confidence which they have reposed in him, hoping that his utmost exertions, which he pledges to the proper discharge of this important duty, may contribute to justify this confidence.

3. The following appointments to fill staff offices of the First Brigade are announced:

Chester Harding, jr., to be assistant adjutant-general, with the rank of lieutenant-colonel.

Samuel Simmons, to be commissary of the brigade, with the rank of major.

Horace A. Conant, to be paymaster of the First and Second regiments, with the rank of major.

Chauncey P. E. Johnson, to be paymaster of the Third and Fourth regiments, with the rank of major.

Bernard G. Farrar, to be aide-de-camp, with the rank of major.

N. LYON,
Captain, Second Infantry, Commanding.

[R. and P., 463367.]

No action appears to have been taken upon General Lyon's letter quoted above, but in 1897, the status of the three months' Missouri Militia mustered into service in 1861 being under consideration, it was decided by the Assistant Secretary of War that these troops, officers of all grades included, must be considered to have been State militia called into the service of the United States by the President, and that the officers are entitled to the same recognition for services rendered that they would have been entitled to had they been appointed and commissioned by the governor of the State. (R. and P., 450639.)

As already stated, this force consisted of 1 battalion of light artillery, 5 regiments of infantry, and 1 company of pioneers. It is proper to add that 3 of the infantry regiments consisted of 12 companies each, 2 of which were designated as riflemen, and that a rifle battalion of 2 companies and an independent company of riflemen were also attached to the infantry force.

SIX MONTHS' MILITIA.

On August 24, 1861, shortly after the formation of the new State government, Governor Gamble issued a proclamation calling into the service of the State of Missouri, for the period of six months, 42,000 militia "to protect the lives and property of the citizens of the State." Following is a copy of the proclamation:

The powers of the civil authorities being insufficient to protect the lives and property of the citizens of the State, I, Hamilton R. Gamble, governor of the State of Missouri, do hereby call into the active service of the State 42,000 men of the militia of the State, assigning 6,000 as the quota for each military district, which is the same as a Congressional district. The force thus called into the service will be, as far as possible, a volunteer force and will consist of 10,000 cavalry and 32,000 infantry. If the number volunteering should exceed this requisition, the excess will be held as a reserve corps. If there should be a deficiency, it may become necessary to resort to a draft. The adjutant-general will issue to the division inspector of the several military districts the order necessary to carry this requisition into effect. The force called out will be for six months, unless peace in the State be sooner restored. Arms will be furnished as rapidly as they can be had.

Given under my hand and the seal of the State at Jefferson City, this 24th day of August, in the year 1861.

H. R. GAMBLE.

By the Governor:

M. OLIVER, *Secretary of State.*

[Annual Report Adjutant-General of Missouri, 1863, p. 9.]

In compliance with the terms of the proclamation, the adjutant-general of the State issued a general order relative to the organization of the militia force, as follows:

GENERAL ORDERS, No. 1. HEADQUARTERS, JEFFERSON CITY, *August 24, 1861.*

Inspectors of divisions will immediately give notice of the times and places when and where they will attend, in their respective districts, to muster volunteers into the State service under the proclamation of the governor of this date. The force to be raised is 6,000 in each military district, to consist of 1,500 cavalry and 4,500 infantry. The inspectors will cause elections for officers of companies to be held, and election returns to be made to these headquarters immediately upon mustering companies into service. The company officers will proceed to elect the field officers of regiments as soon as possible. There has been published a synopsis of the law for the organization of companies, battalions, regiments, brigades, and divisions, which will be followed in the organization here ordered. If the inspectors are unable to attend at all the places appointed for mustering the forces, they will give immediate notice to these headquarters, in order that officers may be assigned to discharge the duty.

By order of the Commander in Chief:

G. R. SMITH, *Adjutant-General.*

[Ibid., p. 10.]

Under date of August 30, 1861, an "explanatory order" was issued from the State headquarters, in which it was announced that organized regiments of the militia, not exceeding 15 in number, would be permitted to volunteer into the service of the United States to serve for

the period of three years; and it was further announced that such of the militia as should not enter the United States service would cooperate with the Federal Government in establishing peace in the State. Following is a copy of the explanatory order:

EXPLANATORY ORDER No. 2. HEADQUARTERS, JEFFERSON CITY, *August 30, 1861.*

When any regiment is organized and the officers commissioned under the State law, and desires to volunteer into service of the United States for three years or during the war, the commanding officer will notify the adjutant-general, and a mustering officer of the United States will be detailed by the proper officer of the United States service to muster the regiment into service. This will extend to 15 regiments. The troops organized under the call of the governor which do not enter the service of the United States will cooperate with the Federal Government in establishing peace in the State.

By order of the Commander in Chief:

GEO. R. SMITH, *Adjutant-General.*

[Ibid., p. 10.]

It does not appear that any regiment of the State militia organized under the governor's proclamation of August 24, 1861, which was known as the "Six months' militia," volunteered into the United States service; and although, as stated by the adjutant-general of the State in his annual report of 1863 (p. 10), the people of the State responded promptly to the call of the governor, the embodied force fell far short of the number called for, the annual report for 1861 showing an aggregate strength of only 6,185 officers and men. [Official Records of the Union and Confederate Armies, Series III, Vol. I, p. 797.]

This militia force, as stated by the State adjutant-general, was made up almost entirely of citizens of the interior of the State, who enrolled themselves into companies for the defense of their homes and families. The service performed by them was principally that of "scouring their counties in search of rebel camps and rendezvous, and acting as scouts and guides to the various bodies of volunteers then in the State." (Annual Report Adjutant-General of Missouri, 1863, p. 11.)

During the latter part of 1861 and the early part of 1862 a different class of militia (the force known as the "Missouri State Militia") was in process of organization, and the governor, finding that the "six months' militia" entailed great expense upon the State without any corresponding benefit, on the 14th of January, 1862, issued an order directing its disbandment on the 25th of the same month. Following is a copy of the order:

GENERAL ORDERS, No. 2. HEADQUARTERS STATE OF MISSOURI, ADJUTANT-GENERAL'S OFFICE, *St. Louis, January 14, 1862.*

I. The commander in chief, in view of the fact that the organization of the six months' militia entails great expense upon the State without any corresponding benefit, orders that this class of troops be disbanded on the 25th of January, 1862.

II. Commanding officers of the six months' militia will muster their commands for pay and discharge upon the 25th day of January, 1862, and will be prepared to deliver up all property of the State in their control, and to account for such as has been lost, consumed, or destroyed in the service. Upon compliance with these requirements, or as soon thereafter as the rolls can be examined, the officers and men will be paid by the State.

III. Companies which shall report themselves ready for muster into the State service for the term of the war in accordance with the conditions of the agreement made between the United States and the governor of this State as set forth in General Orders, No. 1, series of 1861, will be accepted and mustered without delay. After muster they will be subsisted, clothed, armed, and paid by the United States.

IV. The following places are designated as points at which the six months' troops will be mustered out of service on the day above named, viz, St. Joseph, Cameron, Chillicothe, Macon City, Mexico, and Louisiana. Officers commanding these troops will march their men to the nearest and most convenient of the above-named places in time to be present at the muster for pay and discharge as above ordered.

By order of the Commander in Chief:

CHESTER HARDING, Jr.,
Adjutant-General.

A small portion of the force had been discharged previous to the issue of the order quoted above, and a larger portion remained in service for a short period after the date fixed for its disbandment.

The six months' militia was strictly a State force, organized and employed for the protection of the lives and property of the citizens of the State of Missouri. It was paid by the State and the State was subsequently reimbursed by the United States under the provisions of the act of Congress approved April 17, 1866, entitled "An act to reimburse the State of Missouri for moneys expended for the United States in enrolling, equipping, and provisioning militia forces to aid in suppressing the rebellion." (14 Stat. L., pp. 38, 39.)

The designations of the organizations forming this militia force are given in the schedules accompanying this paper. The organizations numbered 5 regiments, 11 battalions, and 10 independent companies. One of the latter was designated as cavalry and one as an artillery company. Some of the organizations of the force are known to have been mounted.

MISSOURI STATE MILITIA.

The Missouri State Militia was a peculiar force, entirely separate and distinct from all other militia organizations of the State, and its status in the service was the subject of considerable controversy during the period of its existence. Its organization was the result of a desire on the part of the officials of the State to place in the field a force of State militia at the expense of the General Government (Annual Report Adjutant-General of Missouri, 1863, p. 11) which should cooperate with the United States troops "in repelling the invasion of the State and supressing rebellion therein."

The proposition for the organization of such a force, made to the President by the governor of the State, under direction of the State convention, was as follows:

EXECUTIVE MANSION,
Washington, November 5, 1861.

The governor of the State of Missouri, acting under the direction of the convention of that State, proposes to the Government of the United States that he will raise a military force, to serve within the State as State militia during the war there, to cooperate with the troops in the service of the United States in repelling the invasion of the State and suppressing rebellion therein; the said State militia to be embodied and to be held in the camp and in the field, drilled, disciplined, and governed according to the Army Regulations and subject to the Articles of War; the said State militia not to be ordered out of the State, except for the immediate defense of the State of Missouri, but to cooperate with the troops in the service of the United States in military operations within the State or necessary to its defense, and when officers of the State militia act with officers in the service of the United States of the same grade the officers of the United States service shall command the combined force; the State militia to be armed, equipped, clothed, subsisted, transported, and paid by the United States during such time as they shall be actually engaged as an embodied military force in service, in accordance with regulations of the United States Army or general orders as issued from time to time.

In order that the Treasury of the United States may not be burdened with the pay of unnecessary officers, the governor proposes that, although the State law requires him to appoint upon the general staff an adjutant-general, a commissary-general, an inspector-general, a quartermaster-general, a paymaster-general, and a surgeon-general, each with the rank of colonel of cavalry, yet he proposes that the Government of the United States pay only the adjutant-general, the quartermaster-general, and inspector-general, their services being necessary in the relations which would exist between the State Militia and the United States. The governor further proposes that, while he is allowed by the State law to appoint aides-de-camp to the governor at his discretion, with the rank of colonel, three only shall be reported to the United States for payment. He also proposes that the State Militia shall be commanded by a single major-general and by such number of brigadier-generals as shall allow one for a brigade of not less than four regiments, and that no greater number of staff officers shall be appointed for regimental, brigade, and division duties than as provided for in the act of Congress of the 22d of July, 1861; and that whatever be the rank of such officers as fixed by the law of the State, the compensation that they shall receive from the United States shall only be that which belongs to the rank given by said act of Congress to officers in the United States service performing the same duties.

The field officers of a regiment in the State Militia are one colonel, one lieutenant-colonel, and one major, and the company officers are a captain, a first lieutenant, and a second lieutenant.

The governor proposes that, as the money to be disbursed is the money of the United States, such staff officers in the service of the United States as may be necessary to act as disbursing officers for the State Militia shall be assigned by the War Department for that duty; or, if such can not be spared from their present duty, he will appoint such persons disbursing officers for the State Militia as the President of the United States may designate. Such regulations as may be required, in the judgment of the President, to insure regularity of returns and to protect the United States from any fraudulent practices shall be observed and obeyed by all in office in the State Militia.

The above propositions are accepted on the part of the United States, and the Secretary of War is directed to make the necessary orders upon the Ordnance, Quartermaster's, Commissary, Pay, and Medical Departments to carry this agreement into effect. He will cause the necessary staff officers in the United States service to be detailed for duty in connection with the Missouri State Militia, and will order them to make the necessary provision in their respective offices for fulfilling this agreement. All requisitions upon the different officers of the United States, under this agreement, to be made in substance in the same mode for the Missouri State Militia as similar requisitions are made for troops in the service of the United States, and the Secretary of War will cause any additional regulations that may be necessary to insure regularity and economy in carrying this agreement into effect to be adopted and communicated to the governor of Missouri for the government of the Missouri State Militia.

[Official Records of the Union and Confederate Armies, Series III, Vol. I, pp. 618, 619.]

The final paragraph of the paper quoted above was evidently intended by its framer for the signature of the President as his acceptance of the proposition made in behalf of the State authorities, but the President adopted another and a modified form of acceptance, as is shown by his own manuscript indorsement on the back of the paper. This indorsement, dated November 6, 1861, reads as follows:

[Indorsement.]

NOVEMBER 6, 1861.

This plan approved, with the modification that the governor stipulates that when he commissions a major-general of militia it shall be the same person at the time in command of the United States Department of the West; and in case the United States shall change such commander of the department, he (the governor) will revoke the State commission given to the person relieved and give one to the person substituted to the United States command of said department.

A. LINCOLN.

[Ibid., pp. 619, 620.]

The acceptance by the United States of the proposition of the State authorities, as modified by the President, was published in general orders from the War Department, of which the following is a copy:

GENERAL ORDERS, } WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
No. 96. } *Washington, November 7, 1861.*

Authority to raise a force of State militia to serve during the war is granted, by direction of the President, to the governor of Missouri. This force is to cooperate with the troops in the service of the United States in repelling the invasion of the State of Missouri and in suppressing rebellion therein. It is to be held in camp and in the field, drilled, disciplined, and governed, according to the Regulations of the United States Army, and subject to the Articles of War. But it is not to be ordered out of the State of Missouri except for the immediate defense of the said State.

The State forces thus authorized will be, during such time as they shall be actually engaged as an embodied military force in active service, armed, equipped, clothed, subsisted, transported, and paid by the United States, in accordance with the Regulations of the United States Army and such orders as may from time to time be

issued from the War Department, and in no other manner; and they shall be considered as disbanded from the service of the United States whenever the President may so direct.

In connection with this force the governor is authorized to appoint the following officers, who will be recognized and paid by the United States, to wit: One major-general, to command the whole of the State forces brought into service, who shall be the same person appointed by the President to command the United States Military Department of the West, and shall retain his commission as major-general of the State forces only during his command of the said department; 1 adjutant-general, 1 inspector-general, and 1 quartermaster-general, each with the rank and pay of a colonel of cavalry; 3 aides-de-camp to the governor, each with the rank and pay of a colonel of infantry; brigadier-generals at the rate of 1 to a brigade of not less than 4 regiments; and division, brigade, and regimental staff officers not to exceed in numbers those provided for in the organization prescribed by the act approved July 22, 1861, "For the employment of volunteers," nor to be more highly compensated by the United States, whatever their nominal rank in the State service, than officers performing the same duties under that act.

The field officers of a regiment to be 1 colonel, 1 lieutenant-colonel, and 1 major; and the officers of a company to be 1 captain, 1 first and 1 second lieutenant.

When officers of the said State forces shall act in conjunction with officers of the United States Army of the same grade the latter shall command the combined force.

All disbursements of money made to these troops, or in consequence of their employment by the United States, shall be made by disbursing officers of the United States Army, assigned by the War Department, or specially appointed by the President for that purpose, who will make their requisitions upon the different supply departments in the same manner for the Missouri State forces as similar requisitions are made for other volunteer troops in the service of the United States.

The Secretary of War will cause any additional regulations that may be necessary for the purpose of promoting economy, insuring regularity of returns, and protecting the United States from fraudulent practices to be adopted and published for the government of the said State forces, and the same will be obeyed and observed by all in office under the authority of the State of Missouri.

By order:

JULIUS P. GARESCHÉ,
Assistant Adjutant-General.

[Official Records of the Union and Confederate Armies, Series I, Vol. III, pp. 565, 566.]

On November 25, 1861, a general order [No. 1] was issued by the governor of the State, in which he published the "arrangement" entered into between the State and the United States authorities, quoting General Orders, No. 96, from the War Department, and announcing the appointment of Major-General Halleck, the commanding general, Department of the Missouri, as "major-general of the Missouri State Militia." Omitting the quotation of General Orders, No. 96, the order reads as follows:

GENERAL ORDERS, No. 1. HEADQUARTERS MISSOURI STATE MILITIA, *St. Louis, November 25, 1861.*

* * * * * * *

This arrangement has been made in order to secure to the troops raised for the purpose of suppressing insurrection in, and repelling invasion of, the State of Missouri the same compensation as that received by the United States Volunteers.

To the end that the State militia may be placed as nearly as possible upon the same footing with the United States Volunteers, the organization will be made the same, as follows, viz:

Each regiment shall have one colonel, one lieutenant-colonel, one major, one adjutant (a lieutenant), one quartermaster (a lieutenant), one surgeon and one assistant surgeon, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, and two principal musicians, and shall be composed of ten companies, each company to consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, one wagoner, and from sixty-four to eighty-two privates.

This force to be organized into brigades of not less than four regiments each; each

brigade to have one brigadier-general, two aides-de-camp, one assistant adjutant-general with the rank of captain; one surgeon, one assistant quartermaster, and one commissary of subsistence (captains).

The company officers are to be elected by their respective companies, and the field and staff officers appointed by the governor.

The troops already organized under the call of the executive of the State can have the benefits of the arrangement made with the Government of the United States by increasing the numbers in companies and regiments to the requirements of the arrangement, and being mustered into service for the war, according to its terms, their officers having the rank they now hold.

Maj. Gen. Henry W. Halleck, of the United States Army, has been appointed and commissioned major-general of the Missouri State Militia.

H. R. GAMBLE, *Governor of Missouri.*

[Book No. 923, Department of the Missouri, pp. 2, 3.]

Brig. Gen. John M. Schofield, United States Volunteers, was appointed a brigadier-general of the Missouri State Militia, and in an order, of which the following is a copy, he was "placed in command of all the militia of the State:"

GENERAL ORDERS, No. 1. HEADQUARTERS MISSOURI STATE MILITIA, *St. Louis, November 27, 1861.*

Brig. Gen. John M. Schofield, of the United States Volunteers, having been appointed and commissioned brigadier-general of the Missouri State Militia, is hereby placed in command of all the militia of the State.

H. W. HALLECK,
Major-General, Missouri State Militia.

[Ibid., p. 4.]

On the 29th of November, 1861, an order was issued by General Schofield assuming command of the State Militia and announcing that the organization of the "State forces," according to the arrangement entered into between the President and the governor of Missouri, would be prosecuted as rapidly as possible. Following is a copy of the order:

GENERAL ORDERS, No. 1. HEADQUARTERS MISSOURI MILITIA, *St. Louis, November 29, 1861.*

I. In compliance with orders from Major-General Halleck, of the Missouri Militia, dated St. Louis, November 27, 1861, I hereby assume command of all the militia of the State.

II. The organization of the State forces and their muster into service, according to the terms of the arrangement entered into between the President of the United States and the governor of Missouri, will be prosecuted as rapidly as possible. Mustering officers will be appointed and rendezvous designated from time to time as circumstances may require.

III. Mustering officers will be strictly guided by the regulations published herewith.

IV. A strict observance of the Army Regulations will be required of all troops mustered into the service of the State. Ordnance, quartermaster, and subsistence stores will be issued only upon requisitions, in due form, made by the proper officers. All officers will be required to render their accounts promptly and accurately.

V. Officers commanding troops now in the State service will make returns of their respective commands to the adjutant-general of the State immediately, and hereafter on the last day of every month.

J. M. SCHOFIELD,
Brigadier-General Commanding.

[Ibid., p. 4.]

On the same date, November 29, 1861, General Schofield published detailed instructions for the organization and muster in of the Missouri State Militia, the preparation and distribution of muster-in rolls, the subsistence of the troops, and the issue of clothing, camp and garrison

equipage, etc. This was done in a general order of which the following is a copy:

GENERAL ORDERS, No. 2.

HEADQUARTERS MISSOURI STATE MILITIA,
St. Louis, November 29, 1861.

I. The following instructions are issued for the information and government of mustering officers and all others interested:

II. Whenever a number of individuals, between the ages of eighteen (18) and forty-five (45) years, not less than eighty-three (83) nor more than one hundred and one (101) shall desire to volunteer as a company into the military service of the State, to serve for the term of during the war in the State of Missouri, from the date of organization unless sooner discharged, the inspector-general, his assistant, or some other officer designated to muster them, having been furnished with a complete roll of the men to be mustered, which he will verify by calling their names and be assured that all are present, and cause each and every individual to hold up his naked right hand, he will administer the following oath:

"You, each and every one of you, do solemnly swear that you will honestly and faithfully serve the State of Missouri against all her enemies, and that you will do your utmost to sustain the Constitution and laws of the United States, and of this State, against all violence of whatsoever kind or description; and you do further swear that you will well and truly execute and obey the lawful orders of all officers properly placed over you, whilst on duty, so help you God."

The oath having been administered as above, the mustering officer will then direct the company to go into an election of one captain, one first lieutenant, and one second lieutenant, and preside over (superintend) such election. The officers having been properly elected, the captain will appoint the noncommissioned officers, musicians, and a wagoner; and the mustering officer will then muster the company into the service of the State.

CAPTION OF MUSTER ROLLS FOR MUSTER INTO SERVICE.

III. Muster roll of Captain ——— ———, Company (A), in the ——— Regiment of Missouri Militia, commanded by Colonel ——— ———, called into the service of the State of Missouri by the governor, to serve for the term of during the war in Missouri from the date of organization unless sooner discharged.

NUMBER OF ROLLS TO BE MADE.

IV. For muster into service there will be four copies of muster rolls, viz, one for the captain, one for the Adjutant-General at Washington, one for the adjutant-general and one for the inspector-general of the State of Missouri.

FILLING UP THE MUSTER ROLLS.

V. In making muster rolls, give two lines to each commissioned officer, and leave a blank line between lieutenants and sergeants, between sergeants and corporals, and so of the grades below.

VI. Number (in the marginal column only) the captain, 1; first lieutenant, 1; second lieutenant, 1; sergeants, 1, 2, 3, 4, 5; corporals, 1, 2, 3, 4, 5, 6, 7, 8; musicians, 1, 2; wagoner, 1; privates, 1, 2, 3, 4, and so on, in alphabetical order. Every grade on any roll will commence with No. 1, and the recapitulation will show the corresponding number of each grade.

VII. The Christian name, or the first one, as "John B. Smith," must, in all cases, be written in full, not the first letter of it.

VIII. The mustering officer will deliver to the captain one muster roll of his company; the others (three in number) will be sent to the adjutant-general of the State.

IX. For periodical payments there will be six copies of the muster roll, four as above, and two for the paymaster.

X. The rolls of field and staff will embrace the names of the colonel, lieutenant-colonel, major, adjutant (one of the company lieutenants), regimental quartermaster (one of the company lieutenants), surgeon, assistant surgeons, sergeant-major, regimental quartermaster-sergeant, regimental commissary-sergeant, hospital steward, and two principal musicians.

ISSUE OF SUBSISTENCE STORES.

XI. Returns for issues to companies will be made by the captains (see Form 13, Regulations), and, as this is the only mode by which subsistence stores can be issued to companies, officers should inform themselves without delay. Returns for issue to companies will, when practicable, be consolidated for the regiment. (See Form 14.)

ISSUES OF CLOTHING, CAMP AND GARRISON EQUIPAGE.

XII. Requisitions for issue to companies will be made by the captains by special requisitions (see Form 40). The number and articles should be written in the body of the requisition. It is desirable that requisitions for clothing and requisitions for camp and garrison equipage should be separate for a company equipped for the first time.

ISSUES OF ORDNANCE AND ORDNANCE STORES.

XIII. Requisitions for issues to companies will be made by the captains (see Form 23). The forms referred to in this order will be found in the series of numbers, under the heads of the several departments referred to in the Revised Regulations, and blank returns will be furnished by the mustering officer.

XIV. Volunteers are not to be less than 18 nor more than 45 years of age. Some exceptions may be made for overage in commissioned officers, provided they be physically robust and active, and in all other respects well qualified; but in this the mustering officer must exercise a sound and rigid judgment.

XV. All officers and men must be sound and active, free from all malformations, defects of sight, hearing, and diseases of any kind.

J. M. SCHOFIELD,
Brigadier-General, Commanding.

[Ibid., pp. 5–7.]

On December 2, 1861, additional instructions were issued, as follows:

GENERAL ORDERS, No. 3. HEADQUARTERS MISSOURI MILITIA, *St. Louis, December 2, 1861.*

I. The following instructions, in addition to those published in General Orders, No. 2, from these headquarters, are issued for the government of mustering officers and all others interested:

II. Immediately after a company is mustered into service the mustering officer will furnish the captain of the company with a certificate of the muster, giving the name of the captain, the number of officers, and number of enlisted men in the company, and the date of muster.

III. The captains of companies will make requisitions for subsistence, arms and ammunition, clothing, and camp and garrison equipage upon the United States commissary, ordnance officer, and quartermaster at the nearest (or most convenient) post to the place where the troops are stationed.

IV. Duplicates of requisitions for ordnance or quartermaster stores will be forwarded immediately to the adjutant-general of the State.

V. Mustering officers will make duplicate returns (see form of monthly return) of every company mustered, forwarding one copy immediately to the adjutant-general and one for the captain of the company.

VI. All mounted companies will be received provided their horses are good and serviceable. The horses and horse equipments will be inspected and appraised as follows:

VII. The mustering officer and captains of companies will select three respectable and impartial men, good judges of the value of horses, and not members of any company nor owning or having interest in any horse therein, to appraise the horses and horse equipages. The valuation will be the fair cash price at the place and time, what the judges would be willing to give were they purchasing for themselves. And the assessed value for horses and horse equipments—the two separate—will be put on the muster roll opposite the owners' names, and the appraisers, being sworn by the mustering officers, will sign the certificate for that purpose on the roll of muster into service, and the valuation will be continued on the subsequent rolls.

VIII. Every man should be the owner of the horse in his use. No one belonging to the command (company or regiment) can be the owner of, or in any manner have interest in, the horse in use of another.

J. M. SCHOFIELD,
Brigadier-General, Commanding.

[Ibid., pp. 7, 8.]

And on December 13, 1861, further instructions were given in an order, of which the following is a copy:

GENERAL ORDERS, No. 5. HEADQUARTERS MISSOURI STATE MILITIA, *St. Louis, December 13, 1861.*

The following regulations will be observed by post quartermasters and commissaries and officers engaged in organizing State troops:

I. Any officer authorized by the commander in chief to raise troops for the State service may enroll men and administer to them the customary oath whereby the men will bind themselves to the service of the State during the war, unless sooner discharged.

II. The post quartermaster and commissary at the nearest post to the place where the troops are organizing will issue subsistence, clothing, blankets, and camp equipage to men enrolled and sworn in, as prescribed above, upon the requisition of the officer empowered to enroll and administer the oath, with a certificate showing that the men are actually in service and have not drawn any of the articles mentioned in the requisition for the time specified.

III. When the number of men enrolled by any one officer shall be sufficient to constitute a company notice shall be given by such officer to the nearest mustering officer, who will, as soon as practicable, regularly organize and muster into service such company.

After a company is mustered into service its subsistence will be drawn from a United States commissary, as prescribed in General Orders, Nos. 2 and 3.

IV. Arms will not be issued except to full companies mustered into service.

All requisitions for arms must bear the certificate of the mustering officer that the company has been regularly mustered into the service, and must be sent to headquarters for the approval of the commanding general.

The supply of arms being at present somewhat less than the demand, the men entering the service will bring with them such arms as they may have or can procure for use until they can be supplied by the Government. The supply of arms will very soon be ample.

V. Post commissaries will not issue the full rations prescribed by the United States Army Regulations, but a sufficiency of good, wholesome food, such as meat, flour or corn meal, and potatoes, which can be purchased near the post at moderate prices. The men are to be supplied, after being enrolled and until mustered into service by companies, with the necessary amount of food for their health and comfort at the least possible expense to the State; after being mustered, the United States will furnish full rations.

By order of J. M. Schofield, brigadier-general, commanding:

C. W. MARSH, *Assistant Adjutant-General.*

[Ibid., pp. 9, 10.]

By an act of Congress approved February 13, 1862, entitled "An act making appropriation for completing the defenses of Washington, and for other purposes," it was provided:

SEC. 3. *And be it further enacted*, That no volunteers or militia from any State or Territory shall be mustered into the service of the United States on any terms or conditions confining their service to the limits of said State or Territory, or their vicinities, beyond the number of 10,000 in the State of Missouri and 4,500 in the State of Maryland, heretofore authorized by the President of the United States, or Secretary of War, to be raised in said States.

* * * * * * *

Approved, February 13, 1862.

[12 Stat. L., p. 339.]

On April 1, 1862, the number of men enlisted "for the State service" having reached the limit authorized by law, General Schofield issued the following order:

GENERAL ORDERS, No. 8. HEADQUARTERS MISSOURI STATE MILITIA, *St. Louis, Mo., April 1, 1862.*

The number of men enlisted for the State service having reached the limit authorized by Congress, all recruiting will cease excepting such as may be necessary to complete the following organizations, viz:

Colonels Hall and Penick, St. Joseph, Mo., 20 companies infantry and cavalry; Colonel McFerran, Gallatin, Mo., 10 companies infantry and cavalry; Lieutenant-

Colonel Catherwood, Cameron, Mo., 6 companies infantry and cavalry; Lieutenant-Colonel King, Chillicothe, Mo., 6 companies infantry and cavalry; Lieutenant-Colonel Crane, Alexandria, Mo., 8 companies infantry and cavalry; Lieutenant-Colonel Guitar, Columbia, Mo., 8 companies infantry and cavalry; Lieutenant-Colonel Gilstrap, Hudson, Mo., 6 companies infantry and cavalry; Lieutenant-Colonel Lipscomb, Palmyra, Mo., 6 companies; Lieutenant-Colonel Neville, Chillicothe, Mo., 4 companies; Lieutenant-Colonel Smart, Louisiana, Mo., 6 companies; Colonel McClurg, Lime Creek, Mo., 10 companies; Colonel Philips, Georgetown, Mo., 6 companies infantry; at Springfield, Mo., 6 companies infantry; at Ironton, Mo., 3 companies infantry; at Kansas City, Mo., — companies infantry; at Jefferson City, Mo., 2 companies infantry; at Greenville, Mo., 2 companies infantry; at Boonville, Mo., 6 companies.

Whenever the number of parts of companies mustered for a particular battalion or regiment is greater than the number of full companies allowed, the parts must be united so as to reduce the number to the limit. Unassigned recruits will be distributed among the various companies.

When a company is formed of two parts already mustered in, with first lieutenants, in the election of captain the company will be restricted to a choice between the two lieutenants.

By order of Brigadier-General Schofield:

C. W. Marsh, *Assistant Adjutant-General.*

[Book No. 923, Department of the Missouri, pp. 20, 21.]

Notwithstanding the restrictions imposed in General Schofield's order, the enlistments for the Missouri State Militia reached an aggregate of more than 13,000, and it became necessary to reduce the force to the limit prescribed by law. Accordingly, on the 16th of May, 1862, a circular order was issued by General Schofield, of which the following is a copy:

Circular.] Headquarters Missouri State Militia,
St. Louis, Mo., May 16, 1862.

The act of Congress which authorizes the governor of the State of Missouri to raise a force of State militia to serve during the war, to be disciplined and governed, armed, equipped, clothed, subsisted, transported, and paid by the United States, in accordance with the regulations of the United States Army, also provided that this force shall not exceed in number 10,000. The deputy paymaster of the Department having received orders not to pay over the number provided by the act referred to, it is desirable that the force now in the service of the State shall be reduced to the limit prescribed by law.

In this view the commanding officers of regiments and battalions are instructed, and medical officers are directed, to have the men of their commands critically examined as to their physical ability and furnish certificates of disability for all such as are found to be incapable of performing the duties of a soldier in camp and in the field.

And commanding officers will report to these headquarters all such men as are, from insubordinate and disorderly conduct, habitual drunkenness, or from any cause, unfit for the service, that they may summarily be discharged by the commander in chief.

By order of Brigadier-General Schofield:

C. W. Marsh, *Assistant Adjutant-General.*

[Ibid., p. 28.]

There was some delay in the reduction of the force to the authorized limit, which, in connection with the excess in the number of enlistments, was the subject of a report by the War Department in response to a Senate resolution. Following is a copy of the report:

War Department,
Washington City, February 16, 1863.

Hon. Hannibal Hamlin,
Vice-President of the United States.

Sir: In reply to the resolution of the Senate of the 16th ultimo, calling for information as to whether "the limitation in the third section of the act to authorize the State of Missouri to raise 10,000 troops for local defense, approved February 13, 1862, has been exceeded, and if so, by whose authority such excess has been allowed," I

have the honor to transmit herewith a letter from the Adjutant-General, of the 14th instant, inclosing a report upon this subject, of date the 6th instant, from the acting adjutant-general of Missouri.

I am, sir, very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

[Inclosure.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 14, 1863.

Hon E. M. STANTON,
Secretary of War.

SIR: In answer to a call of the Senate, of date the 16th ultimo (copy herewith), in relation to troops for local defense in the State of Missouri, and which was referred to this office for report, I have the honor to submit a communication from the adjutant-general of Missouri, of date the 6th instant, which supplies the information asked for.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

[Subinclosure.]

HEADQUARTERS STATE OF MISSOURI,
ADJUTANT-GENERAL'S OFFICE,
St. Louis, February 6, 1863.

Col. THOMAS M. VINCENT,
Assistant Adjutant-General, Washington, D. C.

SIR: I am directed by his excellency the govenor, in answer to your communication of the 26th ultimo relative to the excess of troops raised by Missouri for local defense, to reply as follows:

Previous to the act of Congress limiting the number of troops to 10,000, Governor Gamble had made an arrangement with the President whereby he was authorized to raise (not being limited to any specific number) a military force, to be armed, equipped, clothed, subsisted, transported, and paid by the United States during such time as they should be actually engaged as an embodied military force in service. (See Senate Ex. Doc. No. 6, Thirty-seventh Congress, second session, and General Orders, No. 96, War Department, series 1861.)

In accordance with this agreement the organization of this force was commenced in November, 1861 (see copy of General Orders, No. 1, Headquarters State Militia, November 25, 1861, herewith inclosed, marked A[a]), and authority given to parties to recruit for companies and regiments all over the State, and at the time of the passage of the act of Congress limiting the number to be raised over 13,000 men were enlisted.

Preparations were immediately made by the governor, on the receipt of the order limiting the number, to muster out the surplus; and this was being done when the following communication was received from the Adjutant-General.

"ADJUTANT-GENERAL'S OFFICE.
"*Washington, June 23, 1862.*

"His Excellency the GOVERNOR OF MISSOURI,
"*St. Louis, Mo.*

"SIR: It having been represented at this office that some three regiments of State militia have been raised in your State in excess of the number authorized by Congress, I am instructed to inform you that these extra troops will be received into the general service of the United States, provided such is their wish. If they do not desire to come into the general service they will be disbanded.

"I am, sir, very respectfully, your obedient servant,

"L. THOMAS, *Adjutant-General.*"

An order was immediately issued to the commanding officers of regiments (copy inclosed, marked C) directing a report to be made to these headquarters of those who desired to be mustered into the United States service. Through their commanding officers the troops expressed an unwillingness to enter the service as United States volunteers.

The governor then ordered that the surplus force be disbanded, but Brig. Gen. J. M. Schofield, then commanding the District of Missouri, protested against it on the ground of the small force of United States troops in his command and the threaten-

[a] Here omitted; but see pp. 23, 24.

ing aspect of affairs in the State at that time; and the governor, at the request of the general commanding, telegraphed to the War Department informing the authorities of his intention to disband the surplus, and also the reasons urged by General Schofield that it should not be done, and received a reply from the General in Chief of the Army, of which the following is a copy:

"WASHINGTON, D. C., *August 15, 1862.*

"His Excellency GOVERNOR GAMBLE:

"The Secretary of War consents to your retaining in service the surplus militia, at least for the present; that all preparation should be made for the draft, and the question of postponement will be decided hereafter.

"H. W. HALLECK, *General in Chief.*"

The foregoing is the authority by which the surplus militia was retained in service during the time the necessity existed for it.

As soon as the exigencies of the service would admit orders were issued to reduce the force to the proper number, and by the last consolidated return (for December) forwarded from this office the aggregate is 10,370.

An order will be issued in a few days breaking up four of the regiments and distributing the companies among the other regiments to bring them to the standard of twelve companies each, as required by act of Congress approved July 17, 1862, and General Orders, No. 126, War Department, 1861.

I am, colonel, very respectfully, your obedient servant,

WM. D. WOOD,
Colonel and Aide-de-Camp, Acting Adjutant-General.

C.

GENERAL ORDERS, No. 29.

HEADQUARTERS STATE OF MISSOURI,
ADJUTANT-GENERAL'S OFFICE,
St. Louis, June 30, 1862.

The following communication from the War Department is published for the information of all concerned:[a]

To enable the governor to comply with the above requirements the officer commanding each company of militia now in service will, without delay, ascertain and report to the adjutant-general of the State, through the commanding officer of his regiment or battalion, the officers and the number of men of his company who are willing to be mustered into the service of the United States as volunteers for "three years or during the war."

By order of the Commander in Chief:

WM. D. WOOD,
Colonel and Acting Adjutant-General.

[Official Records of the Union and Confederate Armies, Series III, Vol. III, pp. 52–54.]

In connection with the subject of the reduction of the Missouri State Militia and its reorganization into regiments of 12 companies each, under the provisions of the act of Congress approved July 17, 1862, the adjutant-general of the State said in his annual report of 1863 (p. 49):

The resolution of Congress which confirmed the agreement between your excellency and the President in reference to the raising of the "Missouri State Militia," provided that the force should not exceed 10,000 men; and as the number which was enlisted prior to June, 1862, had exceeded that amount by some 3,000, and as the only reductions during that year had been such as are incident to the ordinary casualties of the service, and a muster out of a portion of the Eleventh Cavalry, Missouri State Militia, upon its consolidation with the Second and a portion of the First and Second battalions, and, furthermore, as orders from the War Department had been issued requiring that all cavalry regiments should consist of 12 companies, it became necessary that a plan of consolidation should be adopted in conformity thereto. With this view, the following order was issued, and, with the exception of so much of it as refers to the breaking up and distribution of the Fifth Regiment and the transfer of Captain Burris's company, was carried into effect:

[a] Here omitted. See Thomas to governor of Missouri, June 23, 1862, p. 29.

"GENERAL ORDERS, } "HEADQUARTERS STATE OF MISSOURI,
"No. 5. } "ADJUTANT-GENERAL'S OFFICE,
"*St. Louis, February 2, 1863.*

"I. In compliance with an act of Congress, 'approved July 17, 1862,' and General Orders, No. 126, series 1862, from the War Department, the following consolidation of the regiments composing the Missouri State Militia, organized under General Orders, No. 96, War Department, series 1861, are announced for the information of all concerned:

"First. The Third Regiment of Cavalry, M. S. M., is hereby broken up, and the 10 companies belonging to the same will be attached and distributed as follows:

"Four companies to be attached and one company to be distributed among the Sixth Cavalry, M. S. M.

"Four companies to be attached and one company to be distributed among the Seventh Cavalry, M. S. M.

"Second. The Fifth Regiment of Cavalry, M. S. M., is hereby broken up, and the 10 companies belonging to the same will be attached and distributed as follows:

"Three companies to be attached and two companies to be distributed among the First Cavalry, M. S. M.

"Four companies to be attached and one company to be distributed among the Ninth Cavalry, M. S. M.

"Third. The Twelfth Regiment of Cavalry, M. S. M., is hereby broken up, and the 8 companies belonging to the same will be attached and distributed as follows:

"Three companies to be attached to the Tenth Cavalry, M. S. M.

"Three companies to be attached and two companies to be distributed among the Thirteenth Cavalry, M. S. M."

The Fifth Regiment, Colonel Penick, was subsequently mustered out of service, as was also the remainder of the Second Battalion; thus the force was reduced to the limit mentioned above.

It may here be remarked that but one organization of the Missouri State Militia (the Schofield Light Artillery) was "received into the general service of the United States" under the invitation extended in the War Department letter of June 23, 1862, quoted above in the report of the Secretary of War to the President of the Senate.

As was to be expected from the peculiar character of the Missouri State Militia, a question soon arose as to its status in the service. If it was a military force in the service of the State of Missouri, the governor of the State was authorized to remove its officers, but if it was in the military service of the United States, the President alone could exercise the power of dismissal. The right to the extra pay subsequently provided by Congress for officers of the volunteer forces who should serve to the close of the war, the rights of both officers and enlisted men to pension, and the rights of enlisted men to the bounties provided by law for enlistments and reenlistments in the United States service were also involved. The question was first brought to the attention of the United States military authorities by Governor Gamble in a letter to Major-General Halleck, dated September 22, 1862. That letter and the ensuing correspondence between the governor and the General in Chief are here quoted:

HEADQUARTERS MISSOURI STATE MILITIA,
St. Louis, September 22, 1862.

Major-General HALLECK.

GENERAL: I see that questions are about to arise here with some of the United States officers which you can settle without difficulty before they assume an unpleasant aspect.

You know the character of the force which I raised as State militia under my arrangement with the President. Besides that force I have proceeded to enroll the entire militia of the State.

As yet you are the major-general of the State militia. General Schofield was commissioned brigadier-general of the State militia, and the command was by your order assigned to him. At that time there was no other militia organization than the troops organized under the arrangement with the President.

Brigadier-General Davidson is now in command of the St. Louis District. He is an officer of volunteers, but not of the State militia. He claims the right to command the enrolled militia and to order them into service, they not now being in actual service.

Questions arise in respect both to the force organized under my arrangement with the President and the mass of militia enrolled.

I assert that the force I raised under my arrangement with the President is a State force and not a United States force. The document filed in the War Department signed by the President will determine this. That document provides that the force to be raised shall be ordered to cooperate with the troops in the service of the United States, and determines what officer shall command the combined force. The President in making the agreement stipulated that the commanding general of the department should be commissioned by the governor major-general of the State militia.

These provisions as well as the whole tenor of the paper show the understanding of the parties to be that the force was to be a State force, and it was only to prevent a possible difficulty that the unity in the command was provided for by making the same officer the general of both descriptions of forces.

I call your attention to this question now, not because any difficulty has arisen, but to prevent its occurrence.

* * * * * * *

Very respectfully, your obedient servant,

H. R. GAMBLE.

[Official Records of the Union and Confederate Armies, Series III, Vol. II, p. 579.]

WASHINGTON, *September 27, 1862.*

His Excellency Governor GAMBLE, *St. Louis.*

GOVERNOR: Yours of the 22d in relation to command of volunteers and militia officers is received.

I am informed that the General Government has uniformly acted on the ground that the clause of the Constitution (Art. I, sec. 8, p. 15) respecting the "appointment of officers and the authority of training the militia" refers only to the officers of the organization under which they are brought into the service of the United States, and that the commanding or "governing such part of them as may be employed in the service of the United States" belongs to the Federal Government; or, in other words, may be "prescribed by Congress." For example, when the militia of a State is called into the service of the United States by regiments, the regimental officers must be appointed by the State; so when called in by brigades, the brigade officers must also be so appointed. But it by no means follows that these regiments or brigades when once in the service are to be commanded always and only by officers so appointed. On the contrary, such organizations are to be "governed" or commanded as may be prescribed by Congress; or, in the absence of any law on that subject, as may be directed by the President as Commander in Chief, always in conformity with the common law of military usage. Thus, regiments of militia mustered into the service of the United States would be under the orders of a brigade commander of proper rank designated by law or by the President.

The act of July 17, 1862, conforms to the foregoing view of the constitutional provision and to the uniform practice of the Government. Section 2 of that act provides that the militia when called into service "shall be organized in the mode prescribed by law for volunteers"—that is, the organization must be by batteries and regiments; and the officers of such batteries and regiments are to be appointed by the States, but the brigade, division, and army corps commanders are to be appointed by the President.

A familiar and effective mode of testing the correctness of any construction of a constitutional or legal provision is to consider the consequences of a different one. Let us suppose that militia in the service of the United States can be commanded only by officers appointed by the States, for this matter of command is the real question involved. Suppose a single battery, battalion, or regiment of militia be called into service. It could, under this view, be commanded only by officers of the State in which it was raised. It might be attached to a brigade, division, or army corps of regulars or volunteers, but the generals of such commands could give it no orders. No use could be made of it until the particular State appointed an officer of higher rank than the commander of the corps and the United States mustered him into service. Again, suppose there are 10 regiments from different States in the same corps, there must be 10 distinct and independent commanders to that corps, for the appointment must be by the States, respectively, and an officer appointed by one State can not command the militia of another State while in the service of the United States.

It can hardly be supposed that the framers of the Constitution intended to authorize the use of the State militia in the service of the United States and at the same time to put such restrictions upon that use as to render it impossible.

Let us now put this question to a practical test. The President, under the authority of the law of July 17, has called for a draft of 300,000 men from the militia of the loyal States. The men so drafted are to be organized into regiments by the several States and mustered into the service of the United States by regiments as organized and officered by the States respectively. What is to be done with these militia regiments when so mustered into the service of the United States? The law contemplates that they are to be used the same as any other troops in the United States and to be assigned to brigades, divisions, and army corps under regular or volunteer commanders legally appointed by the President of the United States. But if State militia can be commanded only by officers appointed by the States, respectively, we have twenty or thirty separate and independent organizations, which can not be made to act in conjunction, and which are bound to obey only the orders of the officers appointed by their own State. Could anyone imagine a more perfect state of military anarchy? Troops in the service of the United States, paid and subsisted by the United States, and yet not "governed" or commanded by the United States! Such a construction of the Constitution opens to us the shortest possible road to dissolution and anarchy. I have no doubt that the practice of the Government in regard to the militia in the service of the United States is in perfect accordance with the constitutional provision referred to, and that a battery, battalion, or regiment of militia when mustered into service can be commanded by any officer of proper rank appointed by the United States.

In regard to rank, the Army Regulations are very specific. Paragraph 9 provides that officers commissioned by the United States rank officers of like grade commissioned by a State.

Adopting this view of the general question, we will now examine how far the terms of the authority given by the President to the governor of Missouri to raise militia for the service of the United States excepts such forces from the general rule of command while in such service. This authority does not prescribe how this militia force was to be received into the service of the United States, but it was in fact, under the orders of the War Department, received by companies and regiments; and when four regiments were received, the governor appointed a brigadier-general and brigade staff officers. It seems to have been the intention that when these troops were brigaded they should have their own brigade commanders, and also that they should be subject to the general command only of the commander of that department. But it also seems to have been understood that this militia force might be used in other ways than as separate and distinct brigades and regiments and that the exigencies of the service might require parts of it to serve in conjunction with other troops when the militia officers were to be commanded by United States officers of the same grade. In fact, this militia force has never served in the field by brigades, but by regiments and companies or detachments, and where they act in a district or at a post or in campaign "in conjunction" with other troops they must be commanded by the officer highest in rank, whether he be a militia officer or not.

But you draw a distinction between a general of the Regular Army and of volunteers in regard to his right to command the Missouri Militia when acting in conjunction with other troops. I do not think that such a distinction was intended by the President's order, both regulars and volunteers being component parts of the Army. If not so intended, it could not be admitted on the general rule as to command.

In regard to the other point presented in your letter, I agree with you that the commanding officer of a military district can assume no command over the enrolled State militia until the same is brought into the service of the United States.

Very respectfully, your obedient servant,

H. W. Halleck, *General in Chief*

[Ibid., pp. 591–593.]

Headquarters of the Army,
Washington, October 3, 1862.

His Excellency H. R. Gamble,
Governor of Missouri, St. Louis.

Governor: Col. Albert Jackson, of the Twelfth Regiment of Cavalry, Missouri State Militia, has appealed to the Secretary of War against the order of your excellency revoking his commission and discharging him from service. This case has raised an important question in regard to the authority of the governors of States over the parts of the militia of those States which are received into the service of the

United States. The whole matter has been duly considered, and I am directed to convey to you the views of the Department.

As stated in my letter to you of the 27th ultimo, it is believed that the Constitution has given to Congress the entire "governing" of the State militia while in the service of the United States. The control of a State over that part of its militia which enters the service of the United States ceases the moment it is mustered into that service. It is then governed by the laws of the United States. By these laws and by the Regulations of the Army, made in pursuance of an act of Congress, the power to try, punish, or dismiss an officer of State militia in the service of the United States is vested in the President and in certain officers of the United States. No such power has been given to a governor of a State over such troops. The act of Congress regulating the government of militia in the service of the United States places them on the same footing as to government or command as volunteers. A militia officer in service, therefore, can be discharged from the service only by the President or those acting under his authority. A State governor can fill the vacancy so created, but he can not himself create the vacancy.

This, I think, will be admitted to be the general rule under the law. Does the authority conferred by the President on the governor of Missouri except the militia of that State in the service of the United States from the operation of this rule? That document says: "It (the militia) is to be held in camps and in the field, drilled, disciplined, and governed, according to the Regulations of the United States Army and subject to the Articles of War." Again, "They shall be considered as disbanded from the service of the United States whenever the President shall so direct." During such time as they shall be actually engaged as an embodied force in active service, "and they are to be armed, equipped, clothed, subsisted, transported, and paid by the United States."

The War Department is of opinion that the militia of Missouri which have been mustered into service under this authority and not disbanded or mustered out by direction of the President are in "the service of the United States," and that they must be "governed" as prescribed by Congress for militia so in service, except where otherwise stipulated in the special authority given to the governor of Missouri. It is stipulated that the governor is authorized to appoint certain officers of such militia; but he is nowhere authorized to try, punish, and discharge or otherwise "govern" and "discipline" the officers of the State militia while in the service of the United States. This can be done only in the manner prescribed, and by the officers designated, in the Rules and Articles of War and in the Regulations of the United States Army.

The Secretary of War has therefore decided that your order discharging Colonel Jackson from the service of the United States was given without authority of law.

Very respectfully, your obedient servant,

H. W. Halleck, *General in Chief.*

[Ibid., pp. 646, 647.]

St. Louis, *October 10, 1862.*

Major-General Halleck,
General in Chief.

General: I have received your letter of the 27th of September, in answer to mine of the 22d. I delayed a reply until the receipt of yours of the 3d instant rendered a reply necessary.

I confess that upon reading yours of the 27th September (which has been published in the newspapers) I was greatly surprised at its contents. In my letter, to which it purports to be an answer, I had spoken of a particular body of troops raised by me under an agreement with the President and referring you to the terms of that agreement. I asked the question whether they were to be regarded as State troops or United States troops. I asserted that they were State troops. In your answer you proceed to show that militia called into the service of the United States are to be officered by the State according to the organizations called for, but may be commanded by officers of a higher grade or higher organization belonging to either the regular or volunteer service of the United States; that is, if the call upon the State be for regiments the State authorities commission the officers of the regiments, but the brigade commanders are designated by the President under the law. The principle you assume would, in its application to a call for militia by brigades, allow the State authorities to appoint brigadiers, leaving division commanders to be designated by the President.

You proceed at great length to show the great inconveniences, if not absurdities, resulting from any other rule for the command of the militia in the service of the United States, and, finally, you apply the rule to the particular force about which I asked the question by assuming that the force is in the service of the United States.

The surprise produced by your reply, general, was not on account of the novelty of your positions, but on account of their utter irrelevancy to the question which I had submitted to your consideration. I never doubted the authority of United States generals to command regiments of militia called into the service of the United States as regiments. My question concerned a special corps of militia raised under a special agreement with the President, in relation to which I sought no other advantage than that the expense should be borne by the United States, because the State could not meet it. It was but natural that I should expect that my question—whether this corps raised under the agreement is a United States force or a State force—should be answered by an examination and construction of the written agreement.

That agreement is in the form of a proposal by the governor to raise a force of State militia for the declared purpose of cooperating with the troops in the service of the United States in repelling invasion and suppressing insurrection within the State. The purpose of cooperating with troops in the service of the United States clearly indicates that the force to be raised is not itself in that service. Moreover, it is stipulated that the force to be raised "shall be ordered by the governor to cooperate with the troops in the service of the United States in military operations." Can it have been the understanding of the parties that this force, which was to cooperate with the troops in the service of the United States, and was to be ordered by the governor thus to cooperate, was itself to be in the service of the United States? It is impossible to believe it. It is provided that in case of such union of the two descriptions of forces "the combined force" shall be commanded by the United States officer. Are the two forces, thus combined, both in the service of the United States? If so, what is the sense of the stipulation?

The force to be raised by the governor as State milita is "to be held in the camp and in the field, drilled, disciplined, and governed according to the Army Regulations and subject to the Articles of War." If the force is to be in the service of the United States this is all solemnly expressed nonsense, because the Regulations and Articles of War would be the law for its government without any such stipulation. But the clause has meaning and force when we find in the militia ordinance of the State the provision "that when the militia shall be called into the actual service of the State the officers and men shall be subject to the same Rules and Regulations and Articles of War that govern the armies of the United States."

The document announces to the President the rule by which the contemplated force is to be governed, while the government is still to be by the State authorities under their own law.

Again, the instrument provides that the troops to be raised "shall be armed, equipped, clothed, subsisted, transported, and paid by the United States." It is suggested that the parties making the agreement knew that troops in the service of the United States would be armed, equipped, clothed, paid, etc., by the United States, as a matter of course, without any stipulation to that effect, and that therefore this stipulation was inserted for the reason that the force to be raised, being a State force, needed this stipulation to be secure in respect to their pay, etc. In other words, this part of the agreement shows that the parties considered the force a State force and not a United States force, and that therefore this was a necessary provision in the contract.

The provision for paying certain officers on the general State staff by the United States, because they were necessary in the relations which this force was to sustain to the United States, proves beyond doubt that the force was not to sustain the relation to the Government borne by troops in its service.

The provision "that because the money to be disbursed was to be money of the United States, therefore such staff officers in the service of the United States as may be necessary to act as disbursing officers for the State militia shall be assigned by the War Department for that duty, or, if they can not be spared from their present duty, the governor will appoint such persons disbursing officers for the State militia as the President may designate," proves beyond doubt that this was not to be a United States force. The President never would have consented to have his disbursing officers appointed by the governor.

The paper when submitted to the President received his approval, but he thought it best to consult General McClellen before perfecting the agreement. The general objected to it, and, being sent for by the President, came to the Executive Mansion, where his objection was stated in my presence. The chief objection was that difficulties might arise from a difference in command, and he stated the mode of avoiding them by the governor making the general of the department the major-general of the State militia. This very objection admits the force to be not a United States force, but a State force, because if it had been supposed that it was to be a United States force it would have been infinitely absurd to stipulate that I should commission the United States general of the department the commanding general of this force.

As my sole design was to raise a force suited by familiarity with the country to meet the enemy, then spread over the State, I agreed to General McClellan's proposed amendment without a moment's hesitation. I sought for myself neither power nor patronage; and in this connection it may be proper for me to say that I have never interfered with the command of these troops.

There are one or two phrases in the paper which might, by themselves, afford countenance to the idea that the force was a United States force—such as the provision for governing the force "according to the Regulations of the Army of the United States and subject to the Articles of War," and "they shall be considered as disbanded from the service of the United States whenever the President shall so direct." As to the first of these expressions, I have already remarked that the provision for the government of the force by regulations and articles of war was words without meaning if the proposal is regarded as an offer to raise a force for the United States service, because in such case the government would be by such regulations and articles as a matter of course.

But in a proposal from the governor about State troops it was proper that he should assume the obligation to govern them according to the same rule that applied to United States troops, particularly when that was the rule provided by the law of his own State. Thus the law for their government does not indicate that they were to be in the service of the United States.

The other phrase, "they shall be considered as disbanded from the service of the United States whenever the President shall so direct," is only a mode providing for ending the obligation of the Government to bear the expense.

Observe, the language is "they shall be considered as disbanded," not that they shall be broken up and scattered, as they would be by actual disbanding, but that, so far as the agreement imposes duties upon the United States, they are to be considered as disbanded.

They are to be considered as disbanded from the service of the United States whenever the President shall direct. As a force sustained by the State and which must look to the State for remuneration, they continue their organization; but retaining their organization they are te be "considered" as disbanded so far as the United States are concerned. This, I think, is the whole force of the language here employed.

I have given you, general, at some length my interpretation of this agreement, and I think I can not be mistaken in its meaning, as I certainly am not in the understanding of the parties at the time it was made.

The question submitted to you, Whether the force is a State force or a United States force, never has yet been of any practical importance until you announced in your letter of the 3d instant that my order discharging Colonel Jackson from the service of the United States was without authority of law.

If you will take the trouble to refer to the muster rolls of Colonel Jackson's regiment and the rolls of the other regiments of the State militia, long ago filed in the Adjutant-General's office in Washington, you will find that these troops were mustered into the service of the State and not into the service of the United States; and you will find that this Colonel Jackson, himself acting as a mustering officer, actually mustered some of the companies of his regiment and mustered them into the service of the State of Missouri.

Not only then by the terms of the agreement, but by the muster made according to the general understanding of its meaning, this man, Colonel Jackson, was in the service of the State and was properly dismissed by me upon the report of his incompetency by an examining board. The question of my power to remove officers and to accept resignations is one of practical importance.

I have removed one colonel because it was reported that he did not fight a band of rebels when he might have done so successfully. I removed Colonel Jackson because a board reported him to be incompetent. I removed a surgeon because he was reported to have abandoned the wounded on the field of battle. I have accepted very many resignations, which I could not do if the troops were in the service of the United States.

I have constantly acted upon the belief that they are State troops. Yet I have had no personal feeling in the matter, and if to-day it were deemed best to risk disturbing them in their operations against the enemy by proposing to them to be mustered into the service of the United States, I have not the slightest objection to their being so mustered with their consent.

In whatever service they now are they have kept the promise I made to the President when we made the agreement, and in any service which they may enter hereafter they will be active, gallant soldiers.

Very respectfully, your obedient servant,

H. R. GAMBLE.

[Ibid., pp. 658–662.]

[Unofficial.]

WASHINGTON, *October 30, 1862.*

His Excellency Governor GAMBLE, *St. Louis.*

GOVERNOR: Your letter of the 10th is just received and will be submitted to the Secretary of War for his directions, should he decide to give it an official answer.

I write this mainly as a personal explanation. My letter of September 27, in answer to yours of the 22d, was written by direction of the Secretary of War and ordered by him to be published as a general answer to claims raised in other States in regard to the command of the nine months' militia, then being organized under the law of the last Congress. It would not have been published, but for this circumstance.

In regard to the views expressed in my letter of the 3d instant, I must confess there was some doubt in my mind in regard to the proper construction to be given to the "agreement" referred to. That document seemed to have been drawn up for the purpose of confusing rather than of clearing up this question of command. It certainly looks two ways. It says distinctly that the troops to be raised under it are to be in the service of the United States, and yet in other paragraphs it seems to consider them as in the service of the State. I should suppose from reading it that it was worded expressly to dodge the question and to provide certain expedients to prevent its ever coming up, but like most attempts at dodge it only increased the difficulties of deciding a question which is coming up all the time and must be decided one way or the other.

The whole matter was thoroughly discussed, the "agreement" being read paragraph by paragraph and considered with regard to its legal meaning and effect. The conclusions arrived at were those which I was directed to communicate to you. Perhaps they are right, and perhaps not. I don't think it will make much difference anyway so far as you and I are concerned. I am very certain that it will not, for I know that we can cordially cooperate. If left to me, your action will, in all cases, be confirmed, for I know that you will do nothing which is not right and just.

* * * * * * *

I owe you many thanks, governor, for your kind courtesies, and am, truly yours,

H. W. HALLECK.

[Ibid., pp. 703, 704.]

[Unofficial.]

ST. LOUIS, *November 4, 1862.*

Major-General HALLECK.

GENERAL: I have just received your letter of the 30th October, and I am gratified to learn that your former letters of the 27th of September and 3d of October were the expression of the opinions of others rather than your own. I say this, general, because I thought it impossible that you could mistake the meaning of my agreement with the President, particularly when the general order from the War Department for the organization of the State militia had over and over again called them "State forces."

But you seem to think that the agreement had been designedly made ambiguous upon the question of the character of the force. This is a mistake. I drew the instrument myself, and whatever obscurity there may be was introduced by some interpolations made by Colonel Scott, Assistant Secretary of War, after the instrument as I drew it had been approved and indorsed by the President. While I was astonished, as an old lawyer would naturally be, by what I regarded as an imprudent act of a subordinate, I did not object, because the alterations did not affect the scope and meaning of the instrument.

I concur in the opinion that between us there would never arise any difficulty growing out of a difference in our construction of the paper, because I am sure that you will never suspect me of having any concealed purpose of self-aggrandizement. Would to God it were possible for those in power to conceive of a man acting from perfectly unselfish patriotism.

* * * * * * *

Very truly, yours,

H. R. GAMBLE.

[Ibid., pp. 735, 736.]

The controversy between the War Department and the governor of Missouri finally reached the President, who, on November 29, 1862, thus addressed the Attorney-General:

EXECUTIVE MANSION,
Washington, November 29, 1862.

Honorable ATTORNEY-GENERAL.

MY DEAR SIR: Few things perplex me more than this question between Governor Gamble and the War Department as to whether the peculiar force organized by the former in Missouri are "State troops" or "United States troops." Now, this is either an immaterial or a mischievous question. First, if no more is desired than to have it settled what name the force is to be called by, it is immaterial. Secondly, if it is desired for more than the fixing a name, it can only be to get a position from which to draw practical inferences. Then it is mischievous. Instead of settling one dispute by deciding the question, I should merely furnish a nest full of eggs for hatching new disputes. I believe the force is not strictly either "State troops" or "United States troops." It is of mixed character. I therefore think it is safer, when a practical question arises, to decide that question directly and not indirectly by deciding a general abstraction supposed to include it and also including a great deal more. Without dispute Governor Gamble appoints the officers of this force and fills vacancies when they occur. The question now practically in dispute is, Can Governor Gamble make a vacancy by removing an officer or accepting a resignation? Now, while it is proper that this question should be settled, I do not perceive why either Governor Gamble or the Government here should care which way it is settled. I am perplexed with it only because there seems to be pertinacity about it. It seems to me that it might be either way without injury to the service, or that the offer of the Secretary of War to let Governor Gamble make vacancies and he (the Secretary) to ratify the making of them ought to be satisfactory.

Yours, truly, A. LINCOLN.

[Ibid., pp. 882, 883.]

No report of the Attorney-General on the question in dispute has been found of record, but the question as to the authority to accept resignations and dismiss officers was determined by the President himself, in an order from the War Department issued by his direction, from his own manuscript. This order was reproduced in a general order from the headquarters of the State of Missouri, of which the following is a copy:

GENERAL ORDERS, No. 1.

HEADQUARTERS STATE OF MISSOURI,
ADJUTANT-GENERAL'S OFFICE,
St. Louis, Mo., January 6, 1863.

The following special order, received from the War Department, is published for the information of all concerned:

"SPECIAL ORDERS, "No. 416.

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, December 28, 1862.*

"By direction of the President, it is ordered that His Excellency Governor Gamble may, in his discretion, remove from office all officers of the peculiar military force organized by him in Missouri (except the major-general, in regard to whom special provision is already made), and he may accept resignations tendered by such officers, he notifying this Department of each such acceptance, when his action thereon will be confirmed, and his previous action in similar cases is hereby confirmed.

"By order of the Secretary of War:

"L. THOMAS, *Adjutant-General.*

"Official.

"E. D. TOWNSEND,
"*Assistant Adjutant-General.*"

The removals from office in the Missouri State Militia which have been heretofore made by the governor are thus relieved from all question, and will accordingly have full effect, except in such cases where the governor has revoked the orders of removal.

All resignations and recommendations will be forwarded by commanding officers of regiments, Missouri State Militia, through brigade and division headquarters to the headquarters of the commanding general of the department, whence they will be forwarded, with his indorsement, to the governor for his action.

No action will be taken on resignations or appointments which are not transmitted in the manner prescribed above.

By order of the Commander in Chief:

WILLIAM D. WOOD,
Acting Adjutant-General.

[J 282,,V. S., 1862.]

The question as to the status of these troops was again raised in 1864, when they were applying for the bounties payable by law for enlistments in the United States service, and it was then decided by the Secretary of War, concurring in the opinion of the Solicitor of the War Department, that they were "militia of the State of Missouri and not a part of the regular or volunteer forces of the United States," and therefore not entitled to bounty under their original enlistments. The text of the Solicitor's opinion is as follows:

WAR DEPARTMENT,
Washington City, March 24, 1864.

Hon. E. M. STANTON,
Secretary of War.

SIR: In answer to your inquiry, "what bounty, if any, the Missouri State Militia, or recruits for the same, are entitled to, who have been mustered into the United States service for three years, unless sooner discharged (under provisions contained in General Orders, No. 96, of 1861, from the Adjutant-General's Office)," I have the honor to reply that the forces referred to were a body of State militia raised by the governor of Missouri, by authority of the general order above referred to, to serve during the war, to cooperate with the troops in the service of the United States in repelling the invasion of the State of Missouri and in suppressing rebellion therein, to be governed by the regulations of the United States Army, subject to the Articles of War, but not to be ordered out of the State of Missouri, except for the immediate defense of the said State.

The general order above referred to further provides:

"The State forces thus authorized will be, during such time as they shall be actually engaged as an embodied military force in active service, armed, equipped, clothed, subsisted, transported, and paid by the United States in accordance with the regulations of the United States Army and such orders as may from time to time be issued from the War Department, and in no other manner; and they shall be considered as disbanded from the service of the United States whenever the President may direct."

The Missouri State Militia, therefore, were, in the language of the order, "State forces," or militia of the State, bound to serve as such during the war, to cooperate with the troops in the service of the United States in repelling invasion and putting down rebellion in their own State, with provision that when such State militia should be engaged in active service they were to be armed, equipped, subsisted, and paid by the United States, but they were not to be ordered out of the State for general service, and they were to be disbanded from the service of the United States (but not from the service of the State) whenever the President might so direct.

They are therefore militia of the State of Missouri, and not a part of the regular or volunteer forces of the United States.

Their right to bounty does not depend upon the degree of merit or efficiency of their public services. They are entitled only to what the acts of Congress secure to them.

This inquiry does not relate to pensions nor allowances for reenlistments.

The statute of the United States passed July 22, 1861, section 5, provides that "any volunteer noncommissioned officer, private, musician, and artificer who enters the service of the United States under this act shall have" certain pay and allowances; "and, in addition thereto, if he shall have served for a period of two years or during the war, if sooner ended, the sum of $100;" and the statute, chapter 24, of 1861, section 5, secures to the men enlisted in the regular forces the same bounties as those allowed, or to be allowed, to the volunteer forces.

By statute passed July 22 [5], 1862, chapter 133, section 6, one-quarter part of this bounty may be paid immediately after enlistment to every soldier of the regular and volunteer forces thereafter enlisted.

The statute passed July 17, 1862, chapter 201, section 3, gives to men volunteering for nine months a bounty of $25, to be paid when their company or regiment is mustered into service, and section 4 of the same statute authorizes the acceptance of volunteers for twelve months to fill up regiments of infantry then in the United States service; and these recruits, when mustered in, are to be in all respects on the same

footing as similar troops in the United States service, except as to service bounty, which shall be $50, one-half to be paid upon their joining their regiments and the other half at the expiration of their enlistment.

In all these enactments there appears to be no provision for payment of service bounty to State militia. The statute passed July 29, 1861, chapter 25, authorizes the President of the United States to call into service the militia of the States in certain cases, and in section 3 provides that the militia so called into service of the United States shall, during their term of service, be entitled to the same pay, rations, and allowances for clothing as are or may be established by law for the Army of the United States; but no provision is made for payment of any service bounty, and we must infer that it was designedly omitted.

The general order (No. 96) under which the body of Missouri forces referred to was raised states that these State forces shall be armed, equipped, clothed, subsisted, transported, and paid in accordance with the regulations of the Army and such orders as may be issued from the War Department, and in no other manner; and nothing is said of a service bounty, and no regulation of the Army or special order of this Department is known to exist giving to these troops a bounty of that description.

A distinction is clearly made in the statutes between regular and volunteer forces enlisted into the service of the United States under the special acts and militia of the several States temporarily called into service by the President.

Thus in the statute passed February 7, 1863, chapter 23 (which gives authority to the governor of Kentucky to raise in that State a volunteer force to be employed within the limits of Kentucky), the fourth section provides that these troops shall be mustered into service and be placed on the same footing as other volunteers in the service of the United States as to pay, subsistence, clothing, and other emoluments, except bounty, for and during the time they may be in actual service.

It may reasonably be supposed that Congress intended to give to the militia of Kentucky raised under this act as liberal rewards for patriotic services as to the militia of Missouri. Neither are entitled to the enlistment bounty or to the service bounty under the statutes and general orders above cited.

I have the honor to be, sir, very respectfully, your obedient servant,

WILLIAM WHITING,
Solicitor of the War Department.

WAR DEPARTMENT, *March 31, 1864.*

Approved.
By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

[Official Records of the Union and Confederate Armies, Series III. Vol. IV, pp. 196–198.]

Prior to the rendition of the opinion quoted above—that the Missouri State Militia was a State force and not entitled to the service bounty—the question had been raised as to the right of the discharged men of the force to reenlist as veterans under the War Department orders providing for the enlistment of veteran volunteers, and on September 15, 1863, the question was decided in the negative, evidently because by the terms of their enlistment their service was confined to a limited locality (A 481, V. S., 1863). But when it was subsequently suggested by the governor of the State and the commanding general of the military department that for special reasons the members of the force then in service be permitted to reenter the service as veterans, the necessary authority was granted. The correspondence on this subject is deemed to be of sufficient interest to justify its reproduction in full:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., December 8, 1863.

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington, D. C.

COLONEL: I inclose herewith a communication from the governor of Missouri relative to the reenlistment of the Missouri State Militia as veteran volunteers. I fully

concur in all the governor says on this subject, and respectfully recommend it to the favorable consideration of the War Department.

In drill, discipline, and efficiency these troops will compare favorably with any volunteer troops which I have seen. Hence the advantages to result from their reenlistment will be as great as in the case of other troops. Also their arduous and efficient services have merited the same reward as that accorded to others who reenlist as veterans. In fact, I am aware of no reason why they should not be received into the veteran corps, while there is in favor of it the consideration, in addition to the general one applicable to all troops, that it will do away with this exceptional corps by transferring the men composing it to the general service. This I deem an important consideration, and I trust will be so regarded by the Department.

If this proposition be adopted, I will recommend that the men reenlist in their present companies and regiments, the organization remaining unchanged until all the old troops shall have had an opportunity to reenlist by the expiration of their two years' service. This will take until May next. Then the veterans can be consolidated and organized under the best officers, if such consolidation be found necessary, and those who refuse to reenlist can be also consolidated and remain in service as militia as long as they may be required. This remainder will doubtless be very small and perhaps will not be needed longer in service.

I am, colonel, very respectfully, your obedient servant,

J. M. SCHOFIELD,
Major-General, Commanding.

[Inclosure.]

HEADQUARTERS STATE OF MISSOURI,
OFFICE OF COMMANDER IN CHIEF,
St. Louis, December 7, 1863.

Major-General SCHOFIELD.

GENERAL: You know the interest which I have always felt in the Missouri State Militia, a corps of 10,000 men, raised by me under an agreement with the President of the United States of the 7th of November, 1861, of which corps you are the major-general. The service of this corps was, by agreement, limited to the State of Missouri, and to its immediate defense. It has now been rendering most laborious and efficient service for nearly two years; some of the men having been full two years enlisted, and by the coming spring most of them will have been two years in service. Although this is a local force, yet there never has been a time since it was organized when a much larger force of volunteers was not required for the defense of the State, so that the Missouri State Militia was engaged in performing precisely the same service that was required of the volunteers.

In everything, then, that gives value to soldiers in their past experience of military life, the State militia stands precisely upon the same footing with volunteers; in drill and discipline they are equal to volunteers; in marches and battles they have shown themselves equal to any other troops; their ability to endure the fatigue and privations of a campaign has been fully tested in their past service.

The term of service for which these men were enlisted was "during the war in Missouri," and, in my judgment, that term has very nearly expired.

I am anxious that the Government shall have the services of these men in its operations in other States, because I believe they will be found very efficient in any field in which they may be employed. I wish them to be in the general service without any territorial limitation, yet I am aware that there is no power by which, without their consent, their terms of enlistment can be changed, and I am further aware that any general proposition made to any corps to change their enlistment will not be universally acceded to.

I desire, therefore, that such of the men in the Missouri State Militia as are willing to go into the general service of the United States be reenlisted on the footing of veterans, with the bounty and privileges given to veterans. I believe that this can not be allowed to them under existing orders; but I am so profoundly convinced that the Government would derive great benefit from the arrangement that I wish you to urge upon the authorities at Washington the propriety of issuing orders which will authorize the soldiers of this corps to enlist as veterans.

Very respectfully, your obedient servant,

H. R. GAMBLE, *Governor of Missouri.*

[Indorsements.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,[a]
December 14, 1863.

Respectfully submitted to the General in Chief, who has already decided that the Missouri State Militia were not entitled to the benefits of General Orders, No. 191, current series. General Schofield's letter seems to me to give reason for thinking that the good of the service might be promoted by adopting his suggestions.

JAMES B. FRY,
Provost-Marshal-General.

I respectfully recommend the enlistment of Missouri State Militia into the general service of the United States as veterans, without any conditions as to time of reorganization or place of service.

December 18, 1863.

H. W. HALLECK, *General in Chief.*

WAR DEPARTMENT, PROVOST-MARSHAL-GENERAL'S OFFICE,
December 22, 1863.

Maj. Gen. J. M. SCHOFIELD,
U. S. Volunteers, Commanding Department of the Missouri, St. Louis, Mo.

GENERAL: I have respectfully to acknowledge the receipt of your letter of the 8th instant in reference to the reenlistment as veteran volunteers of the Missouri State Militia.

In reply I have to inform you that the permission of the Department is hereby given to reenlist the said troops into the volunteer service of the United States, but without any conditions as to time of reorganization or place of service. This must be distinctly understood.

The regulations governing the reenlistment of other troops as veterans will be applicable to the force in question.

I am, general, very respectfully, etc.,

J. B. FRY, *Provost-Marshal-General.*

[M 2520, V. S., 1863.]

Under the authority received from the War Department a circular was issued from headquarters Department of the Missouri, of which the following is a copy:

CIRCULAR.] HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., December 25, 1863.

Telegraphic instructions have just been received at these headquarters which authorize the reenlistment of the Missouri State Militia as veterans with the understanding that they shall be reorganized on the footing of volunteers in the United States service, to be used wherever the Government may have need of their services. As the time for payment of the veteran bounty is limited by law to the 5th proximo, regimental commanders must appoint their recruiting officers for veterans in accordance with General Orders, No. 150, current series, from these headquarters at once.

All men of the Missouri State Militia reenlisting as veterans will be retained in their present regimental and company organizations until the original term of service expires, when the veterans will be consolidated under officers selected for their efficiency from the corps.

By command of Major-General Schofield:

O. D. GREENE,
Assistant Adjutant-General.

Under date of May 10, 1864, the adjutant-general of Missouri was advised by the War Department that the State was entitled to credit for the men reenlisted under the authority of the Department letter of December 22, 1863, quoted above, and that the men were entitled to

[a] This indorsement was prepared for the signature of an official of the Adjutant-General's Office, and, through an inadvertency, when signed by the Provost-Marshal-General, the designation of the office was not changed.

the veteran bounties. Following is a copy of the War Department letter and its inclosure:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
May 10, 1864.

Brig. Gen. JOHN B. GRAY,
Adjutant-General of Missouri, St. Louis.

GENERAL: I have the honor to acknowledge the receipt of your letter of the 5th instant relative to credits of men of the Missouri State Militia reenlisted under the authority of the War Department Provost-Marshal-General's letter of December 22, 1863.

In reply I am directed to inform you that the State is entitled to credit for the said men, and that the men are entitled to the veteran bounties.

In explanation I respectfully inclose herewith a copy of a letter from the Provost-Marshal-General to the Hon. Wm. Hall relative to the same subject.

I have the honor to remain,

T. M. VINCENT,
Assistant Adjutant-General.

[M 2520, V. S., 1863.]

[Inclosure.]

WAR DEPARTMENT,
PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., May 9, 1864.

Hon. WILLIAM A. HALL,
United States House of Representatives, Washington, D. C.

SIR: I have examined the papers you left in relation to the Missouri Militia and do not find that the question of reenlistment as veterans is touched by the opinion of the Solicitor of the War Department. On the contrary, I find in the opinion the following: "This inquiry does not relate to pensions nor allowances for reenlistment." The question presented by the papers you left seems to be one connected with a claim for bounty for past services, and does not affect my letter of December 22 permitting the reenlistment of these men as veterans. In this view of the case I return the papers to you for such further action upon the claim for bounty as you may find best.

I am, sir, very respectfully, your obedient servant,

JAMES B. FRY,
Provost-Marshal-General.

[W 1178, V. S., 1864.]

In a letter from the War Department, dated June 10, 1864, Major-General Rosecrans, then commanding the Department of the Missouri, was authorized to collect the veteran volunteers reenlisted from the Missouri State Militia and form them into a regiment or battalion, and in the same letter authority was granted for the reenlistment of such other members of the force as might desire to enlist for unconditional service, the recruits so enlisted to be formed into companies and regiments. Under this authority several regiments were organized for the volunteer service.

In January, 1865, it was decided by the War Department that, though "mustered in for during the war," the Missouri State Militia should be held to service for three years only. This decision was conveyed in a letter, of which the following is a copy:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
January 5, 1865.

Col. B. L. E. BONNEVILLE,
Commissary of Musters, Department of Missouri, Benton Barracks, Mo.

SIR: I have respectfully to acknowledge the receipt of your communication of the 22d ultimo, transmitting list of regiments Missouri State Militia (received into service under General Orders, No. 96, War Department, series of 1861) mustered in for during the war, but who claim discharge after three years' service.

In reply I am directed to inform you that the said troops were mustered in for during the war, but it is decided by the Department that they will be held for three

years only, and their muster out will be governed accordingly, under the same regulations as are applied to the muster out and discharge of other troops from the service of the United States.

T. M. VINCENT,
Assistant Adjutant-General.

[Letters-Sent Book, Vol. 11, pp. 367, 368.]

The final order issued by the War Department relative to the muster out of the Missouri State Militia was dated June 23, 1865, and is as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 23, 1865.

Maj. Gen. G. M. DODGE,
St. Louis, Mo.:

The Secretary of War directs that all troops belonging to the Missouri State Militia, authorized by General Orders, No. 96, of 1861, and yet remaining in service, be immediately discharged.

The musters out will be made under the regulations promulgated in General Orders, No. 94, current series, from this office.

THOMAS M. VINCENT,
Assistant Adjutant-General.

[Official Records of the Union and Confederate Armies, Series III, Vol. V, p. 59.]

That the Missouri State Militia rendered valuable service to the United States and to the State of Missouri, both within the limits of the State and beyond its borders, there is abundant evidence. In his report (not dated) of operations in Missouri and northwestern Arkansas from April 10 to November 20, 1862, General Schofield stated with reference to this force:

The troops were placed upon active duty in the field in conjunction with the United States troops as fast as organized in companies, without waiting for regimental or battalion organizations. In this, the best of all schools for instruction, a degree of efficiency was acquired seldom equaled by new troops in so short a time. By April 15, 1862, an active, efficient force of 13,800 men was placed in the field. * * * As rapidly as this force was placed in the field a corresponding number of United States troops was relieved and sent to join the armies then operating in the more southern States.

[Ibid., Series I, Vol. XIII, p. 8.]

And in a letter heretofore quoted in this paper General Schofield again bore testimony to the gallantry and efficiency of these troops, stating that "in drill, discipline, and efficiency" they would compare favorably with any volunteer troops he had seen.

Similar testimony was given by the governor of the State in a letter, also quoted in this paper, in which he stated that "in drill and efficiency they are equal to volunteers; in marches and battles they have shown themselves equal to any other troops."

Testimony as to their good character was also given by the adjutant-general of the State in his annual report of 1863 (p. 50), in which he said:

It can be said with truth that in every instance where the Missouri State Militia have met the enemy they have fought like veterans. At no time have they disgraced their State, and whenever they have been called upon to go beyond its borders they have done so readily and eagerly, more especially if the prospect of a fight was immediate, as, for example, one instance may be noted, where the Sixth Cavalry Missouri State Militia, Colonel Catherwood commanding, with a portion of the Eighth, during the past summer marched to Fort Gibson to join General Blunt, and, crossing the Arkansas River, pursued the rebels to Red River, Arkansas, when it returned with him to Fort Smith and thence to Springfield, making a forced march, with scarcely any supplies, of 700 miles. Even now some of its companies are on duty at some of the most remote outposts of the Kansas frontier. But as a general

thing the Missouri State Militia have found work enough to do within the boundaries which the terms of their enlistment prescribed. Since their formation there has been no fight or skirmish of any importance in which they have not participated. The fights of Kirksville, Moore's Mill, Lone Jack, Springfield, Hartville, Cape Girardeau, and scores of others in which they have been engaged bear witness to their bravery and endurance. In the late raid made by the rebel Shelby into this State, almost the only troops that could come up with him, and which finally routed him and drove him from our borders, were the class of which I am now writing. To give even a condensed report of all their movements and actions would require more time than I have now at my disposal.

And in his report of 1864 the State adjutant-general said (p. 28):

The operations of this force during the past year have been mainly confined to the limits of the State, although portions thereof have been occasionally employed in expeditions beyond its southern and western borders.

During the most of the time its regiments have been, each of them, widely scattered, frequently with not more than a single company at any one point. The great extent of country which was, necessarily, to be protected by military occupation has compelled such a disposition, and it was not until the raid of the rebel forces under Price transpired, during the past autumn, that anything like a general concentration of regiments could be perfected. During that raid some seven of the ten regiments were brought together and rendered eminent service, when thus concentrated, in expelling an invasion which was so boastingly commenced and so ingloriously ended.

By a resolution of Congress, approved July 13, 1868, the Missouri State Militia was placed on "an equal footing with the volunteers as to bounties." The text of this resolution is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the troops recognized in an act entitled "An act making appropriations for completing the defenses of Washington, and for other purposes," approved February thirteenth, eighteen hundred and sixty-two, be, and are hereby, considered as placed on an equal footing with the volunteers as to bounties, and that all laws relating to bounties be applicable to them as to other volunteers.

Approved, July 13, 1868.

[15 Stat. L., p. 256.]

A pensionable status under the general law was given to the surviving officers and enlisted men of the Missouri State Militia and the heirs of those deceased by a provision of section 8 of the act approved March 3, 1873, entitled "An act to revise, consolidate, and amend the laws relating to pensions." The clause referred to reads as follows:

SEC. 8. * * * That the provisions of this act are hereby extended to and made to embrace the officers and privates of the Missouri State Militia, * * * disabled by reason of injury received or disease contracted in the line of duty while such militia was cooperating with United States forces, and the widow or children of any such person dying of injury received or disease contracted under the circumstances herein set forth shall be entitled to the benefits of this act: *Provided,* That the pensions on account of such militia shall not commence prior to the date of the passage of this act. That the provisions of this section shall be so interpreted as to apply to the widows, child, or children of officers and privates of the Missouri State Militia * * * if the husband or father was wounded or contracted the disease of which he died while in the service of the Government of the United States.

* * * * * * *

Approved, March 3, 1873.

[17 Stat. L., pp. 569, 570.]

The provisions of the pension act of June 27, 1890, were subsequently extended to the members of the Missouri State Militia and their representatives. This was done by a joint resolution approved February 15, 1895, entitled "Joint resolution to restore the status of

the Missouri Militia who served during the late war." Following is a copy of so much of the resolution as relates to the Missouri State Militia:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act of June twenty-seventh, eighteen hundred and ninety, be, and are hereby, extended to include the officers and privates of the Missouri State Militia * * * who served ninety days during the late war of the rebellion and were honorably discharged, and to the widows and minor children of such persons. The provisions of this act shall include all such persons now on the pension rolls or who may hereafter apply to be admitted thereto.

Approved, February 15, 1895.

[28 Stat. L., p. 970.]

In considering the status of the Missouri State Militia it is to be borne in mind that in the order of the War Department (General Orders, No. 96, of 1861) authorizing their employment they are referred to as a "force of State militia" organized "to cooperate with the troops in the service of the United States" in a limited field of service; that they were mustered into the service of the State of Missouri by State officers; that the oath administered to them at the time of muster in was that they should "honestly and faithfully serve the State of Missouri;" that the President and the War Department conceded to the governor of the State the right to accept resignations and remove officers; that it was determined by the Secretary of War, concurring in the opinion of the Solicitor of the War Department, that they were "militia of the State of Missouri and not a part of the regular or volunteer forces of the United States," and, therefore, not entitled to the service bounty, and that special legislation by Congress was necessary to give to the members of the force the bounties and pensions payable to volunteers in the military service of the United States.

But it is also to be considered that the act of February 13, 1862, by implication, recognized the Missouri State Militia as being then in the military service of the United States; that until December, 1862, when the President recognized the authority of the governor to remove officers, it was uniformly held by the War Department that this militia force was in the United States service; that the War Department authorized the enlistment of members of the force as veteran volunteers, a privilege generally extended only to those who had served the United States; that after the ruling of 1864 that the Missouri State Militia was not a part of the regular or volunteer forces of the United States the War Department exercised the authority to determine when their service should terminate, and directed that they should be mustered out under the same regulations that were applied to the "muster out and discharge of other troops from the service of the United States." And in this connection it is to be stated that on January 30, 1865, the Provost-Marshal-General, in a letter authorizing the governor of Missouri to organize additional regiments for the volunteer service, excluded from enlistment in the new regiments members of the "Missouri State Militia or other troops already in the service of the United States;" that the Missouri State Militia were, in fact, mustered out of service by United States officers, and that their muster-out rolls report them as having been mustered out of the United States service; that the rolls of the several organizations were received and filed in the War Department like those of volunteers in the United States service; that these rolls were always reported from by the Adjutant-General's Office

to the accounting officers of the Government precisely in the form and manner observed in the preparation of reports from the rolls of troops regularly mustered into the United States military service; that the remuster and desertion laws applicable to officers and enlisted men in the military service of the United States and the act providing for the furnishing of certificates in lieu of lost discharges were applied to the Missouri State Militia precisely as if that force had been regularly in the military service of the United States, and, finally, that the practice of the Adjutant-General's Office with respect to these troops has been continued by the Record and Pension Office, its propriety not having been called in question.

It is evident from the foregoing that the peculiar military force known as the Missouri State Militia was not technically in the military service of the United States, and the practice inaugurated in the Adjutant-General's Office of treating it as a volunteer force in that service is doubtless open to criticism, but it is to be stated that the reports furnished from the rolls contained the information required in the adjudication of claims arising under the special legislation providing for the payment of bounties and pensions, and that the application of the remuster and other laws applicable to the volunteer forces has an equitable, if not a strictly legal foundation. However, regardless of the propriety of the action of the War Department with regard to this force, it would seem that it is now, after the lapse of more than a third of a century, too late to change the existing practice, and the Missouri State Militia has therefore been scheduled in this paper among the troops recognized as having been in the military service of the United States.

As already stated in this paper, the "Missouri State Militia," which originally aggregated 13,000 men, was reduced by special authority of Congress to a maximum of 10,000. The force as originally organized included 14 regiments, 3 battalions, and 1 independent company of cavalry, 2 batteries of light artillery, 1 regiment of infantry, and 1 company of sappers and miners.

ENROLLED MISSOURI MILITIA.

ORGANIZATION, STRENGTH, DISBANDMENT.

During the early summer of 1862 a movement was set on foot by the enemies of the Government having for its object the systematic organization of guerrilla bands throughout the State of Missouri. This movement became so formidable that it was determined by the State authorities to take stringent measures for the suppression of existing disorders. Accordingly Brig. Gen. John M. Schofield, the commander of the Missouri State Militia and also the United States military commander of the District of Missouri, was authorized to organize the entire militia force of the State for the purpose of putting down marauders and defending the peaceable citizens of the State. This was done in orders from State headquarters, of which the following is a copy:

SPECIAL ORDERS, No. 101.

HEADQUARTERS STATE OF MISSOURI, ADJUTANT-GENERAL'S OFFICE, *St. Louis, July 22, 1862.*

The existence of numerous bands of guerrillas in different parts of the State, who are engaged in robbing and murdering peaceable citizens for no other cause than that such citizens are loyal to the Government under which they have always lived, renders it necessary that the most stringent measures be adopted to punish all such crimes and to destroy such bands.

Brig. Gen. John M. Schofield, in command of the Missouri State Militia, is hereby authorized to organize the entire militia of the State into companies, regiments, and brigades, and to order into active service such portions of the force thus organized as he may judge necessary for the purpose of putting down all marauders and defending the peaceable citizens of the State.

H. R. GAMBLE,
Governor of the State of Missouri.

[Annual Report Adjutant-General of Missouri, 1863, p. 19.]

On the same day, July 22, 1862, pursuant to the authority thus conferred upon him, General Schofield issued the following:

GENERAL ORDERS, No. 19.

HEADQUARTERS MISSOURI STATE MILITIA, *St. Louis, Mo., July 22, 1862.*

An immediate organization of all the militia of Missouri is hereby ordered, for the purpose of exterminating the guerrillas that infest our State.

Every able-bodied man capable of bearing arms and subject to military duty is hereby ordered to repair, without delay, to the nearest military post and report for duty to the commanding officer. Every man will bring with him whatever arms he may have or can procure, and a good horse if he has one.

All arms and ammunition of whatever kind and wherever found, not in the hands of the loyal militia, will be taken possession of by the latter and used for the public defense. Those who have no arms and can not procure them in the above manner will be supplied as quickly as possible by the ordnance department.

The militiamen who shall assemble at any post will be immediately enrolled and organized into companies, elect their officers, and be sworn into service, in accordance with the militia laws of the State, under the immediate superintendence of the commanding officer of the post.

The militia thus organized will be governed by the Articles of War and Army Regulations, and will be subject to do duty under the orders of the commanding officers

of the post where they enrolled, or such other officers of the United States troops or Missouri Militia, regularly mustered into service, as may be assigned to their command.

Commanding officers will report from day to day, by telegraph when practicable, the progress of enrollment at their posts and the number of arms required.

Six days after the date of this order are allowed for every man fit for military duty to report to the commanding officer of the nearest military post and be enrolled. All persons so enrolled will be regarded as belonging to the active militia of the State until further orders.

The commanding officer of a post, or any higher commander, is authorized to give furloughs to such men of this militia force as can not be absent from their ordinary business without serious detriment or such as are not needed for present service. Such leaves of absence will in no case be for a longer period than ten days, and may be revoked at any time or renewed at their expiration at the discretion of the officer granting them.

The same strict discipline and obedience to orders will be enforced among the militia in service under this order as among other troops, and commanding officers will be held strictly responsible for all unauthorized acts of the men.

The enrollment and organization of the militia of St. Louis will be under the general direction of Col. Lewis Merrill, commanding St. Louis Division, who will establish rendezvous, appoint enrolling officers, and make such regulations as he shall deem necessary.

By order of Brigadier-General Schofield:

C. W. Marsh,
Assistant Adjutant-General.

[Official Records of the Union and Confederate Armies, Series I, Vol. XIII, p. 506.]

On the 24th of July an order was issued by General Schofield providing for the organization into separate corps of the employees of the United States, State and city governments, and of railroad and transportation companies and other corporations. Following is a copy of the order:

General Orders, No. 20.

Headquarters Missouri State Militia,
St. Louis, Mo., July 24, 1862.

All persons in the employ of the United States, State, or city governments will be enrolled and organized by the chiefs of their respective departments, and will act under the orders of their respective chiefs.

All railroad and transportation companies, and other corporations employing large numbers of men, will organize their employees into distinct corps, under their respective chiefs. The chiefs of such companies, corporations, and departments of government not now in the military service of the State or of the United States will report to an authorized enrolling officer and be themselves sworn into service, when they will proceed to enroll and organize the men under their control.

All voluntary organizations of the loyal militia which may be perfected before the expiration of the time specified for enrollment in General Orders, No. 19, and present their muster rolls to the superintendent of enrollment in St. Louis or the nearest enrolling officer will be recognized and received as such.

It is desirable that such voluntary organizations shall, as far as possible, embrace all the men subject to militia duty belonging to the same business firms located in close proximity to each other, so that a certain portion of the members of such organizations may be called into active service at any time without interrupting their ordinary business.

By order of Brigadier-General Schofield:

C. W. Marsh,
Assistant Adjutant-General.

[Ibid., pp. 508, 509.]

In conformity with this order, special orders were issued by Col. Lewis Merrill, commanding the St. Louis Division, for the organization of the employees of certain transfer, express, and railroad companies, as follows:

Special Orders, No. 48.

Headquarters St. Louis Division,
St. Louis, Mo., July 24, 1862.

The officers and employees of the St. Louis Transfer Company and of the Adams, American, and United States express companies will be enrolled in a special trans-

portation corps under the direction of the superintendent of the transfer company as enrolling officer, and will for the present be organized in the same manner as an infantry battalion of four companies.

The enrolling officer will report for further orders to Capt. R. A. Howard, superintendent of enrollment.

II. The officers and employees of the North Missouri Railroad, the Pacific Railroad, and the Iron Mountain Railroad will be enrolled and organized into special corps railroad guards under the direction, in each case, of the superintendent of the road as enrolling officer. The enrolling officer will report to Capt. R. A. Howard for further orders.

* * * * * * *

By order of Col. Lewis Merrill:

HARRISON A. GLEIM,
Lieutenant and Acting Assistant Adjutant-General.

[Book No. 441, Department of the Missouri, p. 173.]

On July 24, 1862, a general order was issued by General Schofield announcing the exemption from enrollment of the subjects of foreign powers resident in the State of Missouri. This order reads as follows:

GENERAL ORDERS, No. 21. HEADQUARTERS MISSOURI STATE MILITIA, *St. Louis, July 24, 1862.*

I. The subjects of foreign powers resident in the State of Missouri, lawfully pursuing their avocations, are exempt from enrollment in the militia of the State, as required by Orders, No. 19. Upon such persons, however, enjoying the protection of life and property and civil rights afforded by the laws, the obligation of a strict and impartial neutrality will be strongly enforced. While maintaining such neutrality the fullest protection will be accorded, but any departure from the same by taking up arms, by conveying information, or in any manner, by word or deed, aiding or abetting the enemies of the State or United States or encouraging them in rebellion, will place the offender without the protection accorded to him as a subject of a foreign power, and expose him to all the penalties visited upon the enemies of the State or United States.

II. In order that such protection may be afforded to foreigners resident in the State as they may be entitled to by the laws of nations and under the treaties between the United States and friendly powers, it is ordered that at each military post an enrollment be made of all such persons as claim to be thus exempt from duty. Such enrollment shall be preceded [by a statement] that the parties whose names are subscribed are subjects of a foreign power, specifying what power; that they have never become naturalized citizens under the laws of the United States for that purpose; that they have never at any time while resident of this State or of the United States exercised any of the rights, privileges, and immunities accorded by law only to citizens; that they have heretofore preserved, and will hereafter during the present rebellion and while they shall continue to reside within the limits of the United States preserve, a strict and impartial neutrality, and will not give aid, information, or comfort to the enemy. Such enrollment will contain the signature of the party claiming exemption, his age, period of residence in this State and in the United States.

III. Any citizen of the United States resident in this State who shall make a false and fraudulent statement or claim to exemption under this order will be arrested and subjected to trial and punishment by military commission.

IV. Commandants of posts will designate some loyal militiamen to take charge of the enrollment herein ordered, and such enrollment, when completed, will be forwarded to division headquarters to be filed. All persons claiming exemption will report to such enrolling officer within six days after published notice of the time and place where such enrollment will be made.

By order of Brigadier-General Schofield:

C. W. MARSH,
Assistant Adjutant-General.

[Official Records of the Union and Confederate Armies, Series I, Vol. XIII, p. 509.]

Under date of July 27, 1862, General Schofield promulgated an order declaring the object of the organization and modifying the mode of enrollment. Following is a copy of the order:

GENERAL ORDERS, No. 22. HEADQUARTERS MISSOURI STATE MILITIA, *St. Louis, July 27, 1862.*

It being manifest that the object of the enrollment of the Missouri Militia prescribed by General Orders, No. 19, July 22, 1862, has been misrepresented by the enemies of law and order, and consequently is generally misunderstood, it is hereby declared that the object of such organization is solely to organize law-abiding people of the State capable of bearing arms in such complete and thorough manner as to enable them at once and forever to put down robbery, plunder, and guerrilla warfare, which it is plainly the duty and interest of every citizen to aid in doing.

To the end that this object may be accomplished and all possible ground for misapprehension be removed, the mode of enrollment will hereafter be as follows:

The militiamen of the various counties will assemble at the nearest military post, the county seat, or other convenient place, and organize themselves into companies and elect their officers. As soon as a company shall be organized a copy of the roll and a return of the election, duly certified, will be sent to the headquarters of the division in which the county is situated. At the same time a report of the arms and ammunition on hand will be furnished to the commanding officer of the division.

A copy of the certificate of election will be forwarded by the division commanders to these headquarters, in order that the officers may be commissioned and thus duly authorized to act when any emergency shall render their services necessary.

The time for enrollment, as prescribed in General Orders, No. 19, is extended to the 10th of August proximo, in order that ample time may be given in which to complete the voluntary organization of all citizens who are willing to do their duty in maintaining law and order.

By order of Brigadier-General Schofield:

C. W. MARSH,
Assistant Adjutant-General.

[Ibid., p. 516.]

On the following day General Schofield published additional regulations relative to the organization and equipment of the militia, and providing for exemption from personal service by the payment of money in lieu thereof, the fund accruing from this source to be applied to the payment of extra expenses in the recruitment of volunteers for the general (United States) service and in defraying the expenses of the militia force itself. Following is a copy of the order:

GENERAL ORDERS, No. 23. HEADQUARTERS MISSOURI STATE MILITIA, *St. Louis, July 28, 1862.*

All persons who prefer to contribute money rather than personal service in the Enrolled Militia can procure exemption from military duty for one year by enrolling their names and paying an exemption fee into the military treasury of the State or of the county in which they reside, at the option of the individual.

The money paid into the State treasury will be used in paying extra bounty and other extra expenses incurred in raising volunteers for the United States service, and will be expended under the orders of the governor. That paid into the various county treasuries will be used in defraying the expenses of the State militia when in active service or in camps of instruction, and will be disbursed under the orders of the governor.

The exemption fee will be $10 for each individual and one-tenth of 1 per cent upon all taxable property, as shown by the last assessment. The exemption fee may be paid in money or in supplies for the support of the militia when in active service.

It is expected that all persons of means, though legally exempt from military service, will voluntarily contribute in proportion to their ability to one of these funds, and thus enroll themselves among the loyal and willing supporters of law and order.

All persons not exempt from military service by law, by general orders, or by payment of exemption fee will be enrolled and organized into companies, regiments, and brigades.

The organization prescribed by law will be so far modified that each company shall contain of each grade three times the number prescribed by law.

On these numbers any proportion not to exceed one-third may be exempt from service for one year by the payment of the usual exemption fee into the company treasury. The fund thus formed will constitute a company fund, to be expended under the orders of the council of administration in defraying the expenses incident to the organization, instruction, equipment, etc., of the company when not in active

service, and, if need be, to meet the necessities arising from any sudden and unexpected call for active service.

That portion of each company not exempt by payment of company fee will be divided into two equal parts, one of which will at all times be ready for active service.

Those at any time ready for active service will be called the first class. Those exempt for the time being only will be called the second class, and those exempt at all times the third class.

The senior captain of the company will be captain of the third class and ex-officio treasurer of the company. The members of the first and second class, respectively, in each grade will at first be determined by lot, after which they will alternate monthly at the end of each month.

A member of the first class may at any time be transferred to the second class by obtaining a substitute from the latter.

The field and staff officers of a regiment will also be three of each grade, having corresponding positions in command of the three classes.

When companies are organized into regiments, 10 per cent. of each company fund will be paid into the regimental fund for the payment of expenses incidental to a regimental organization.

The senior quartermaster of the regiment will be regimental treasurer, and will disburse the regimental fund only on the orders of the commanding officer of the regiment.

Each company will be furnished with arms only sufficient to arm the first class, and the company will provide itself with a suitable armory and place for drill, where it will be drilled daily, at least three hours, at such times of day as may be most convenient. At the end of the month the arms and drill-room will be transferred to the second class, now become the first, who will in like manner drill daily at stated hours and be at all times ready for active service during the month.

Arms and equipments will not be taken from the armory except for service. When the men are off duty, the arms and equipments will be carefully stored away in the armory, which will at all times be suitably guarded.

Military treasurers of the State and counties will be appointed by the governor.

By order of Brigadier-General Schofield:

C. W. Marsh,
Assistant Adjutant-General.

[Ibid., pp. 518, 519.]

A few days later, on August 4, 1862, General Orders, No. 23, were revoked and new regulations adopted. This was done in General Orders, No. 24, of which the following is a copy:

General Orders, No. 24. } Headquarters Missouri State Militia, *St. Louis, August 4, 1862.*

General Orders, No. 23, from these headquarters, dated July 28, 1862, is hereby revoked.

All the loyal men of Missouri subject to military duty will be organized into companies, regiments, and brigades, as ordered in General Orders, No. 19, from these headquarters, dated July 22, 1862.

All disloyal men and those who have at any time sympathized with the rebellion are required to report at the nearest military post or other enrolling station, be enrolled, surrender their arms, and return to their homes or ordinary places of business, where they will be permitted to remain so long as they shall continue quietly attending to their ordinary and legitimate business and in no way give aid or comfort to the enemy. Disloyal persons or sympathizers with the rebellion will not be organized into companies nor required nor permitted to do duty in the Missouri Militia.

Commanding officers of divisions will appoint enrolling officers and establish rendezvous at such places, in addition to the various military posts, as they may deem expedient.

As far as practicable, the militia of each county will be organized separately, each company being composed of men residing in the immediate vicinity of each other. The only exceptions will be the voluntary organizations authorized by General Orders, No. 20.

The officers and employees of all railroad and transportation companies will be organized into distinct corps, and will be employed as militia only in transporting troops and public property and in protecting their means of transportation.

Militiamen employed in any manner by the United States or State of Missouri,

or engaged in working upon contracts made with the United States or State of Missouri, for the supply of any article required for the military or naval service, will not, while so employed, be required to do any military duty except for the protection, in case of necessity, of the public property where they are employed.

Division commanders are authorized to call into active service, for the time being, such companies and regiments of the organized militia in their divisions as the exigencies of the service may require, and to provide for their maintenance while in active service. But no company will be kept continuously in active service for more than thirty days, except by orders from these headquarters or in cases of urgent necessity. It must be borne in mind that the main object of a general organization of the militia is for the protection of their homes, and that they are to be kept from their ordinary business as little as possible.

In calling the militia into active service care will be taken to leave sufficient force to protect the homes of those called out and to distribute the services as uniformly as possible.

Every company of militia will have its place of rendezvous, which should be at a military post, if one is convenient; if not, then at a convenient town or general place of resort.

The arms and equipments will be kept at the rendezvous, and always properly guarded by detail from the company.

In case of alarm companies will be rallied at the rendezvous and act under their immediate commanders, as circumstances may require, for the protection of their immediate vicinity.

In dangerous localities several companies or a regiment will have their rendezvous at the same place, and will keep it guarded by a company or more, as circumstances may require.

On the 11th day of August, instant, each enrolling officer will proceed to ascertain and enroll the names of all men in his enrolling district who shall have failed to come forward and be enrolled as required, and report the same to the district commander.

By order of Brigadier-General Schofield:

C. W. MARSH,
Assistant Adjutant-General.

[Ibid., pp. 534, 535.]

The loyal men of the State responded promptly to the call of the governor, and within thirty days more than 20 regiments were formed in the city and county of St. Louis alone, numbering upward of 17,000 men, and at the close of the year 1862, 69 regimental, 3 battalion, and 58 independent company organizations had been formed, embracing an aggregate strength of 52,056 officers and enlisted men.

The total strength of the Enrolled Missouri Militia, as finally organized, has not been discovered, but it has been ascertained from official sources of information that 85 regiments, 16 battalions, and 33 independent companies were formed, not including some organizations of Citizen Guards which had the status of Enrolled Missouri Militia, but which will be treated in this paper under their appropriate designations.

The following statement of the Enrolled Missouri Militia in active service in 1864 is copied from the report of the adjutant-general of the State for that year (p. 38):

Month.	Districts.							Aggregate.
	First.	Second.	Third.	Fourth.	Fifth.	Seventh.	Eighth.	
January	.....	.....	.....	1,799	.....	898	.....	2,697
February	.....	.....	.....	1,744	.....	877	.....	2,621
March	.....	.....	.....	1,235	.....	.....	.....	1,235
April	.....	.....	.....	870	.....	.....	.....	870
May	.....	.....	.....	.....	.....	339	.....	339
June	.....	.....	.....	1,339	.....	936	.....	2,275
July	.....	.....	.....	1,771	45	1,698	.....	3,517
August	.....	.....	.....	2,142	45	.....	1,475	3,662
September	.....	.....	.....	.....	.....	.....	1,306	1,306
October	7,810	2,329	2,606	2,399	374	4,151	4,495	24,164
November	.....	590	.....	.....	644	474	3,231	4,939
December	.....	184	.....	248	438	.....	.....	870

It is probable that the foregoing statement includes the organizations of Provisional Enrolled Missouri Militia hereafter to be referred to.

It may be here stated that in November, 1862, an order was issued from State headquarters declaring a penalty, including a fine of $10, for failure to enroll for service in the militia. Following is a copy of the order:

GENERAL ORDERS, No. 48.

HEADQUARTERS STATE OF MISSOURI, ADJUTANT-GENERAL'S OFFICE, *St. Louis, November 7, 1862.*

* * * * * * *

II. Any person who has been notified to enroll and fails to comply with the order within the time specified by the brigadier-general commanding the district shall be subject to a fine of $10, to be assessed by the colonel of the regiment to which such person should belong, subject, however, to the revision of the general commanding; and such offender shall be further liable to imprisonment until his fine is paid and he duly enrolled.

By order of the Commander in Chief:

WM. D. WOOD,
Acting Adjutant-General, Missouri.

[Journal Missouri House of Representatives, adjourned session, 1863–64, Part I, Appendix, p. 214.]

Early in February, 1863, to quote the annual report of the adjutant-general of the State for that year (p. 27), "it became evident that the crisis which called for the general arming of the people of the State had measurably passed away in consequence of the successes which had attended their efforts all over the State," and it was decided by the governor to begin the organization in the various military districts of a "picked force of men, to be detailed from the different regiments for a more permanent service, and to consist of those who could the most easily be spared from their ordinary avocations, having but few if any others dependent upon their labor for support." The regiments organized under this plan were designated "provisional regiments," and have a history of their own, which will be given under the title, Provisional Enrolled Missouri Militia.

It became evident to the State authorities that there was danger that the "rebel sympathizers" in some portions of the State would form themselves into companies (Report of Adjutant-General of Missouri, 1863, p. 29), and to prevent this the following order was issued:

GENERAL ORDERS, No. 7.

HEADQUARTERS STATE OF MISSOURI, ADJUTANT-GENERAL'S OFFICE, *St. Louis, February 19, 1863.*

The orders heretofore issued for the enrollment of the militia of this State did not contemplate the enrolling of disloyal persons and their organization into companies indiscriminately with loyal citizens. It was specially required that all disloyal men should be enrolled as such, but their organization into companies was strictly forbidden. Some enrolling officers, however, allowed disloyal organizations to be perfected, either through neglect or disobedience of orders, and others are still in progress of organization.

For the purpose, therefore, of separating disloyalists from Union men, and in order that proper measures of precaution may be taken to prevent the arming of such as can not be trusted, it is hereby ordered that all commandants of regiments and battalions of enrolled militia report to the adjutant-general of the State, immediately on the receipt of this order, such companies of their commands of which all or any considerable portion of the men have been enrolled as disloyal, or are known to be so.

All officers are strictly enjoined to see that no further organizations of this kind are made, and will report to their immediate commanders any which may be in progress of organization.

By order of the Commander in Chief:

WILLIAM D. WOOD,
Acting Adjutant-General.

It is evident that the immediate object of this order was to prevent the organization of disloyal men into companies of Provisional Enrolled Missouri Militia, but as the order applied to the enrolled militia force in general, it is here quoted as a part of the history of that force.

One object of the organization of the provisional regiments was to reduce the calls upon the previously organized regiments of Enrolled Missouri Militia for active service, and this object appears to have been accomplished. But disorders continued to prevail, and on June 28, 1864, Major-General Rosecrans, who had succeeded to the command of the Department of the Missouri, issued an order in which he called upon the people of the State, by public meetings and the selection of local committees, to choose and organize out of the enrolled State militia select companies to serve for the protection of their respective counties. This proposition on the part of the commanding general was in conformity with an agreement with the governor of the State, and resulted in the organization of a number of independent companies known as Provisional Companies, Enrolled Missouri Militia, the history of which will be given under its appropriate head.

The Enrolled Missouri Militia maintained its organization as an embodied military force until March, 1865, though several regiments (the Twenty-fifth, Thirty-ninth, Forty-first, and Forty-eighth) were disbanded in 1863 pursuant to an order of which the following is a copy:

GENERAL ORDERS, No. 30.

HEADQUARTERS STATE OF MISSOURI,
ADJUTANT-GENERAL'S OFFICE,
St. Louis, November 1, 1863.

I. In consequence of an extraordinary reduction in numbers, from various causes, such as removals from the State, volunteering in the United States service, and payment of the commutation tax in lieu of military service, the following regimental organizations of the Enrolled Missouri Militia are hereby disbanded, and the commissions of their officers are, with the exception of the officers hereinafter named, revoked:

Twenty-fifth Regiment E. M. M. (Buchanan County), except Companies F and K.
Thirty-ninth Regiment E. M. M. (Platte County).
Forty-first Regiment E. M. M. (Andrew County).
Forty-eighth Regiment E. M. M. (Clay and Clinton counties).

And all officers of these regiments who have now in their possession any public property are directed to turn over such property to their district commander without delay, taking duplicate receipts therefor in proper form.

II. Colonels James H. Moss, Forty-eighth Regiment E. M. M., and John Scott, Twenty-fifth Regiment E. M. M., are hereby retained in service and commission, and are instructed to reorganize the effective militia of Clay, Clinton, and Platte counties, and Buchanan and Andrew counties, respectively, forming the same into companies in compliance with the militia laws of the State and existing orders, and forwarding duly certified muster-in rolls to the headquarters of the Seventh Military District, E. M. M., at St. Joseph.

By order of the Commander in Chief:

JOHN B. GRAY, *Adjutant-General.*

[Journal Missouri House of Representatives, adjourned session, 1863–64, Part I, Appendix, p. 447.]

In 1865 a new militia law was enacted, in which it was provided that all organizations of the Enrolled Missouri Militia should cease to exist on the expiration of thirty days after the approval of the act. This act, approved February 10, 1865, contained the following:

SEC. 26. All organizations of the "Enrolled Missouri Militia" shall cease to exist on the expiration of thirty days after the approval of this act, and the commissions of all officers of the Enrolled Missouri Militia, including all commissions issued to persons on the staff of the governor prior to January 1, 1865, shall be deemed to be vacated on that day.

[Annual Report Adjutant-General of Missouri, 1865, p. 47.]

Pursuant to this provision of law, an order was issued from headquarters State of Missouri as follows:

GENERAL ORDERS, No. 12.

HEADQUARTERS STATE OF MISSOURI, ADJUTANT-GENERAL'S OFFICE, *Jefferson City, March 11, 1865.*

I. All regiments, companies, and detachments of the Enrolled Missouri Militia, including those companies organized under the provisions of General Orders, No. 107, series of 1864, from headquarters Department of the Missouri, who are now in active service, are hereby relieved, to take effect from this date. Commanding officers of the above forces are hereby directed to cause to be made out prior to the 15th of April next complete muster and pay rolls for all service rendered under proper authority, where they have not already been made out and forwarded to this office.

II. All officers of the Enrolled Missouri Militia who have in their possession public property belonging to the State or General Government are hereby directed to turn over the same to such officers as may be designated to receive it; and in order to facilitate this transfer, division commanders of the Missouri militia will instruct their district commanders to announce in general orders an officer to receive and receipt for the said property, designating the points where the same will be received. No officer accountable for public property will receive any payments until they have received from the quartermaster-general a certificate of their nonindebtedness to the State. It is therefore desired that they forward their returns at an early date, with a view to a prompt settlement of all accounts and claims growing out of the Enrolled Missouri Militia.

By order of the Commander in Chief:

SAMUEL P. SIMPSON, *Adjutant-General.*

[Ibid., p. 43.]

According to the report of the adjutant-general of the State for the year 1865, the Enrolled Missouri Militia was disbanded March 12, 1865, and the commissions of all of its officers were vacated on that date.

EQUIPMENT, SUBSISTENCE, PAY.

The question as to the equipment and support of the Enrolled Missouri Militia was one that early claimed the attention of the authorities, both of the State and the United States. In the order, No. 19, of July 22, 1862, quoted above, directing the enrollment of the force, it was provided that every man should bring with him whatever arms he might have or could procure, and a good horse if he had one. It was also announced that all arms and ammunition, of whatever kind and wherever found, not in the hands of the loyal militia, would be taken possession of by the militia and used for the public defense, and that those of the militia who had no arms and could not procure them in the manner indicated would be supplied as quickly as possible by the Ordnance Department—evidently by the United States.

In a telegram to the Secretary of War, dated July 26, 1862, General Schofield said: "I can not possibly meet them [guerrilla bands] without calling out some of the newly enrolled. May I feed them when I deem it absolutely necessary?" To this inquiry no answer has been found.

On the same date, July 26, 1862, General Schofield addressed the General in Chief through his assistant adjutant-general:

HEADQUARTERS ST. LOUIS DISTRICT, *St. Louis, Mo., July 26, 1862.*

Col. J. C. KELTON,
Assistant Adjutant-General, Washington, D. C.

COLONEL:

* * * * * * *

I propose to make the militia force thus organized self-sustaining, the expenses of those at any time in active service being paid by those who are exempted. I shall want arms and ammunition only from the United States.

It would, however, greatly aid me could I be authorized to issue subsistence for a short time, and when necessary only, until the organization should be perfected. I must use at once some of this force, and it is difficult to do so without furnishing subsistence in certain cases.

There are in the arsenal about 29,000 altered smooth-bore muskets not needed for general issue. I respectfully request that Colonel Callender be authorized to issue these arms and such others captured in Missouri as may be fit for service, and the necessary ammunition, upon my orders.

I am, colonel, very respectfully, your obedient servant,

J. M. SCHOFIELD, *Brigadier-General.*

[Official Records of the Union and Confederate Armies, Series I, Vol. XIII, pp. 513, 514.]

To this letter General Halleck replied, July 30, 1862:

WAR DEPARTMENT,
Washington, July 30, 1862.

General SCHOFIELD, *St. Louis, Mo.:*

Colonel Callender is authorized to issue such captured arms as he can spare to the militia called into service. I think they should be subsisted by requisitions on rebel sympathizers and the seizure of property of rebels in arms.

H. W. HALLECK, *General in Chief.*

[Ibid., p. 522.]

On August 12, 1862, General Schofield, in his capacity as the representative of the United States in command of the military District of Missouri, issued a general order announcing that during active operations in the pursuit of guerrillas the troops of his command, including the Enrolled Missouri Militia, would, as far as possible, be subsisted upon the enemy and those who had given aid to the rebellion, such necessary subsistence for the militia as could not be obtained from the country to be furnished by the commissary-general of the State. Following is a copy of the order:

GENERAL ORDERS, No. 9. HEADQUARTERS DISTRICT OF MISSOURI, *St. Louis, August 12, 1862.*

1. During active operations in the field in pursuit of guerrillas, the troops of this command will not be incumbered with transportation of supplies, but will, as far as possible, obtain subsistence from the enemy and those who aid and encourage the rebellion.

Property taken for the use of the troops will be properly accounted for, and nothing will be wantonly destroyed or wasted.

The Enrolled Militia, when in active service, will be subsisted in like manner. Such necessary subsistence stores as can not be obtained from the country will be furnished by the commissary-general of the State.

Whenever it becomes necessary to use the property of the loyal people, vouchers will be given in due form, which vouchers will constitute claims against the State, to be settled at some future day.

* * * * * * *

By order of Brigadier-General Schofield: C. W. MARSH, *Assistant Adjutant-General.*

[Book No. 580, Department of the Missouri, p. 49.]

On August 29, 1862, the governor of the State issued an order relative to the subsistence of the troops, as follows:

GENERAL ORDERS, No. 38. HEADQUARTERS STATE OF MISSOURI, ADJUTANT-GENERAL'S OFFICE, *St. Louis, August 29, 1862.*

1. The quartermaster-general will supply the commands of the enrolled militia, called into active service and performing duty with rations of hard bread, coffee, sugar, and salt. Subsistence required in addition to these articles will be taken from disloyal citizens.

* * * * * * *

By order of the Commander in Chief: WM. D. WOOD, *Acting Adjutant-General.*

[Journal Missouri House of Representatives, adjourned session, 1863–64, Part I, Appendix, p. 88.]

Disorders having resulted from the execution of General Orders, No. 9, from headquarters District of Missouri, the following order for their suppression was issued:

GENERAL ORDERS, No. 23. HEADQUARTERS DISTRICT OF MISSOURI, *St. Louis, September 22, 1862.*

I. The general commanding has learned, with much regret, that in various parts of the State, under pretense of carrying out General Orders, No. 9, from these headquarters, dated August 12, 1862, there has been perpetrated pillage and marauding of the most unsoldierlike and disreputable character.

The order in question was carefully drawn, and the general commanding is no less surprised than mortified to find that it should be either innocently misunderstood or wantonly perverted. The first paragraph provides, in language sedulously guarded, that "during active operations in the field in pursuit of guerrillas, the troops of this command will not be incumbered with transportation of supplies, but will, as far as practicable, obtain subsistence from the enemy and those who aid and encourage the rebellion. Property taken for the use of troops will be properly accounted for, and nothing will be wantonly destroyed or wasted. The Enrolled Militia, when in active service, will be subsisted in like manner. Such necessary subsistence stores as can not be obtained from the country will be furnished by the commissary-general of the State. Whenever it becomes necessary to use the property of the loyal people, vouchers will be given in due form, which vouchers will constitute claims against the State, to be settled at some future day."

It must strike all with astonishment that the Enrolled Militia of the State not in active service nor in pursuit of guerrillas should, in some cases, have quartered themselves on unoffending citizens, and in others should have taken from their farms provisions and supplies. But it is still more surprising and alarming that in other cases houses have been entered and articles taken not proper for the subsistence of the army, and by no construction to be brought within the terms of the order.

Conduct of this nature is eminently calculated to demoralize all who are parties to it and to aggravate calamities which need no additional bitterness. The widest possible distinction should be made, both for the sake of justice and policy, between peaceful citizens and disturbers of the public peace.

So far as the troops of this command are concerned (including the Enrolled Militia of the State), all citizens remaining quietly at home, in pursuit of their ordinary avocations, are entitled to the protection of the law. Nothing is liable to greater abuse than to permit soldiers in the field, or in camp, upon the mere surmise of disloyalty, to treat as guilty a citizen who is peacefully attending to his business. Any charge of improper conduct on the part of such a person will very properly be reported to the United States attorney for investigation; and if he be found guilty, punishment will follow; but in advance of such conviction, such citizens are to be treated as innocent.

II. The Enrolled Militia of the State can only be called into active service by the express orders of the division commanders, as provided by General Orders, No. 24, from headquarters Missouri State Militia, dated August 4, 1862. After being thus called into active service they may, when engaged in active operations in the field in pursuit of guerrillas, subsist on the country; but these are the only circumstances under which this permission is given. This departure from military rules is justified only by military necessity, and is strictly commensurate with it. No such necessity can be pleaded, except when rapid movement of a command is the essential condition of military success.

In no case will General Orders, No. 9, justify the taking of anything but supplies for the subsistence of the forces in the field, and whenever the owner can be found a full descriptive list and receipt will be given him, signed by the officer in command of the detachment making the requisition.

By order of Brigadier-General Schofield:

C. W. MARSH,
Assistant Adjutant-General.

[Book No. 580, Department of the Missouri, p. 55.]

On October 12, 1862, Maj. Gen. Samuel R. Curtis, who had been assigned to the command of the Department of the Missouri, addressed a letter to the General in Chief relative to the subsistence of the militia, in which he also requested authority to issue blankets and clothing to the militia in active service. In this letter he said:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., October 12, 1862.

Maj. Gen. H. W. HALLECK,
General in Chief.

GENERAL: Many of the Enrolled Militia of this State have been and are in actual service. They have been called out for stated periods, say thirty days. Heretofore they have had half rations furnished by the Government, and I have ordered full rations when they seem to need and deserve them. There are many of them doing good service, and very much need blankets and clothing. A month or two's service would be worth a suit of clothes. There is a large quantity of gray clothing here that can be colored; also a quantity of condemned clothing. I recommend the issue of such damaged clothing to these troops that have served a month and are again on duty to serve thirty days at my discretion. I would in such discretion furnish the most needy and deserving. I submit the matter for your consideration. I have avoided making any call myself for militia; but they were called before I took this command, and they are many of them so useful they can not be immediately dispensed with. They have been called out by the governor or some of the local militia commanders according to orders from General Schofield, with a kind of understanding they are not to be paid, and as far as possible are to be maintained at the expense of the disloyal neighbors. The general plan seems to work well, but there are a great many poor men in this kind of service very willing to work for nothing who have not the clothes to work with.

* * * * * * *

I am, general, very respectfully, your obedient servant,

SAML. R. CURTIS,
Major-General.

[Official Records of the Union and Confederate Armies, Series I, Vol. XIII, pp. 729, 730.]

The Secretary of War declined to sanction the issue of clothing recommended by General Curtis. This decision was communicated in a letter from the General in Chief of which the following is a copy:

WASHINGTON, D. C., *October 25, 1862.*

Major-General CURTIS,
Commanding, etc., St. Louis, Mo.

GENERAL: Your communication of October 12, in relation to the issue of clothing to the militia of Missouri called into service for one month, has been submitted to the Quartermaster-General and to the Secretary of War.

I am directed by the General in Chief to say that the Secretary of War "declines to direct the issue asked for." Clothing will not be issued by the United States to troops called into service for only one month.

Very respectfully, general, your obedient servant,

J. C. KELTON,
Assistant Adjutant-General.

[Ibid., p. 763.]

Under date of January 9, 1863, an order was issued by General Curtis, pursuant to authority from the Secretary of War, in which it was announced that, when in actual service, the Enrolled Missouri Militia would be entitled to draw forage and subsistence, and to be furnished transportation by the United States. Following is a copy of the order:

GENERAL ORDERS, No. 4. } HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., January 9, 1863.

Pursuant to authority of the Secretary of War, the Enrolled Missouri Militia will be entitled to draw forage and subsistence, and to be furnished transportation, when in actual service, upon requisitions properly approved by the United States officer commanding the district in which they may be serving. But such militia will in no case be considered in actual service except when called out by the governor of the State, or a commander of a district, and only while they are retained in service by such commander.

By command of Major-General Curtis:

H. Z. CURTIS,
Assistant Adjutant-General.

Predicated upon the foregoing order, the following was issued from State headquarters:

SPECIAL ORDERS, No. 4. } HEADQUARTERS STATE OF MISSOURI, ADJUTANT-GENERAL'S OFFICE, *St. Louis, January 13, 1863.*

I. Provision having been made by the United States authorities for the supply of subsistence and forage to the Enrolled Militia of Missouri when in active service, you are therefore ordered to suspend at once all assessments made within the limits of your command for the support of the enrolled militia.

II. The Enrolled Missouri Militia, when in actual service by order of competent authority, will draw their supplies from the nearest United States post.

By order of the Commander in Chief:

WM. D. WOOD, *Acting Adjutant-General.*

[Annual Report Adjutant-General of Missouri, 1863, p. 23.]

In June, 1863, authority was given by the Secretary of War for the issue of clothing, camp and garrison equipage, and medical supplies to the militia in active service, under the command of the commanding general, Department of the Missouri, and on the 7th of June an order was issued by General Schofield, who had succeeded to the command of the department, as follows:

GENERAL ORDERS, No. 47. } HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, June 7, 1863.*

I. Authority having been given by the War Department to furnish clothing, camp and garrison equipage, and medical supplies to the Enrolled Missouri Militia in continuous active service under the command of the commanding general of the department, requisitions will be made in due form by the proper officers for such of the above-named supplies as are required by the eight provisional regiments now in service. These requisitions will be based upon the number of men now actually in service and will bear the certificate of the regimental commander to their correctness and be approved by the commander of the district in which they are serving. The requisitions so certified to and approved will be forwarded to these headquarters without delay.

Officers of the enrolled militia desiring to draw subsistence for their men must certify upon their provision returns that the troops returned for are in actual service and that all the men returned for are actually present for duty.

The United States officers in command of each district will inform the commissaries in their districts of the regiments and companies of enrolled militia that are in service, the number of men for duty, and to whom they may issue rations without referring the returns to the district commander. Commissaries will report to the chief commissary of the department any officers whom they have reason to believe return for more men than are actually in service and present for duty at the time the return is made.

Regimental quartermasters should draw the subsistence for their regiments upon consolidated provision returns and distribute them to their companies.

* * * * * * *

By command of Major-General Schofield:

A. V. COLBURN, *Assistant Adjutant-General.*

On September 26, 1864, Major-General Rosecrans, then commanding the Department of the Missouri, issued an address to "Missourians," appealing to them to rally in the defense of the State against the invading army of General Price. In this order he said, with reference to the equipment and subsistence of the militia:

GENERAL ORDERS, No. 176. } HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, Mo., September 26, 1864.*

Missourians:

* * * * * * *

V. The governor of the State has been informed of the threatened raid and requested to call the militia to serve until the invaders are destroyed or driven from

the State. I rely upon their courage and patriotism, and have only to say: Let your assembling be prompt, and let the commissioned officers see that proper steps are at once taken to secure for their commands all needful supplies of arms, equipments, ammunition, camp and garrison equipage, and blankets.

Brig. Gen. E. Anson More, chief quartermaster of the State, will furnish these supplies on requisitions made according to his instructions.

The chief commissary of the department will furnish subsistence.

* * * * * * *

By command of Major-General Rosecrans:

J. F. BENNETT,
Assistant Adjutant-General.

One method adopted by General Schofield for the support of the Enrolled Missouri Militia was the assessment of "the secessionists and Southern sympathizers in St. Louis County." For the purpose of carrying this project into effect he appointed a board of citizens. This was done in Special Orders, No. 91, headquarters District of Missouri, August 28, 1862, of which the following is an extract:

SPECIAL ORDERS, No. 91. HEADQUARTERS DISTRICT OF MISSOURI, *St. Louis, August 28, 1862.*

* * * * * * *

III. The following-named gentlemen are hereby appointed a county board for St. Louis County, viz: Messrs. Henry Moore, John Cavender, G. F. Filley, Charles Borg, and Ferdinand Meyer.

This board will assess and collect without unnecessary delay the sum of $500,000 from the secessionists and Southern sympathizers in St. Louis County.

The money thus obtained will be used in subsisting, clothing, and arming the enrolled militia while in active service, and in providing for the support of such families of militiamen and United States volunteers as may be left destitute.

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By order of Brigadier-General Schofield:

C. W. MARSH,
Assistant Adjutant-General.

[Book No. 580, Department of the Missouri, p. 69.]

On August 30, 1862, three additional members of the board were appointed and one of the original members was relieved. This was done in Special Orders, No. 94, as follows:

SPECIAL ORDERS, No. 94. HEADQUARTERS DISTRICT OF MISSOURI, *St. Louis, August 30, 1862.*

The following gentlemen are hereby appointed additional members of the St. Louis County board, appointed by Special Orders, No. 91, from these headquarters, dated August 28, 1862, viz: Col. John O'Fallon, Mr. Daniel Garrison, and Mr. James S. Thomas.

Mr. John Cavender, being president of the committee charged with the disbursement of the fund for the relief of soldiers' families, is hereby relieved from serving as a member of the county board.

By order of Brigadier-General Schofield:

C. W. MARSH,
Assistant Adjutant-General.

[Ibid., p. 73.]

Commissioners were appointed for the same purpose in the Central District of Missouri. The first announcement on the subject by the commanding general of that district was as follows:

SPECIAL ORDERS, No. 3. HEADQUARTERS CENTRAL DISTRICT OF MISSOURI, *Jefferson City, September 29, 1862.*

I. A large proportion of the wealth of the country is in the hands of disloyal inhabitants, who have no articles in kind required for the subsistence of troops, whereby they have hitherto escaped bearing a reasonable share of the burdens imposed upon the disloyalists of the county. For the purpose of equalizing such burdens as near as may be, an assessment of $5,000 is hereby levied upon the disloyal inhabitants of

Jefferson City, whereof the sum of $3,000 will be applied to subsisting the Enrolled Militia whilst engaged in actual service, and the remaining $2,000 is appropriated to the relief of the destitute families of the soldiers engaged in actual service and to relieve temporarily destitute refugees who have been driven from their homes by rebels or guerrillas.

II. Dr. William A. Curry, Dr. Bernard Bruns, P. T. Miller, esq., Col. Allen P. Richardson, and T. W. Cloney, esq., are hereby appointed commissioners to assess, levy, and collect said sum of money. They will determine the persons upon whom the levy shall be made and the amount thereof that each shall pay.

III. Said commissioners will at once proceed to determine who shall pay said assessment, and to fix the amount to be paid by each. As soon as this is done they will cause notices to be served upon said persons, notifying them of said assessment, and the amount thereof, which they are respectively required to pay, and requiring them to pay the same within ten days from the date of the service of the order.

IV. Should any person after being so notified fail, neglect, or refuse to pay the amount so assessed and required to be paid by him for ten days, he will be arrested and held in close custody, and the provost-marshal will at once seize sufficient of the personal property of such person to pay said assessment, and advertise and sell the same without delay, the sale to be in some public place, to the highest bidder for cash, and to be made between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon.

V. The money collected for the subsistence of the militia will be paid out by the commissioners, from time to time, as it is collected, on the orders of the quartermaster and commissary for the Enrolled Militia at this place, who is hereby required to account on his monthly statements and quarterly returns for all supplies paid for by this fund.

VI. The money collected for the destitute families and refugees will be paid out on the orders of Dr. A. Peabody or Mrs. A. P. Richardson, Mrs. T. L. Crawford, or of any two of them, they being hereby appointed a board to distribute the same.

VII. This assessment may be paid in such articles as would be bought with the money, provided the same will be delivered at cash prices, as required, and at such places as may be designated.

BEN. LOAN,
Brigadier-General, Missouri State Militia.

[Official Records of the Union and Confederate Armies, Series I, Vol. XIII, p. 691.]

Similar orders were published relative to the appointment of commissioners for other localities within the Central District.

The commanding general of the District of Northeast Missouri also appointed commissioners for the purpose of making assessments for the support of the "loyal militia." Following is a copy of his order on this subject:

GENERAL ORDERS, } HEADQUARTERS DISTRICT NORTHEAST MISSOURI,
No. 3. } *Macon City, Mo., October 2, 1864.*

It is only common justice, if the loyal men of Missouri are required to take up arms to preserve the peace of the State, that the disloyal, who can not be trusted with the public safety, and the semiloyal, who have enrolled as loyal, but neglect or fail in their duty, should bear their fair share of the burden by subsisting and, when necessary, mounting the militia in active service. In order that this may be done systematically and work equal justice to all who are required to contribute, a committee of honest citizens will be appointed in each county, whose duty it shall be to levy an assessment for the sustenance of the loyal militia. These committees will be governed by the following regulations:

I. The assessment will be levied in money and paid in either money or produce, as the contributor may elect. In case it is paid in money it will be paid into the hands of the committee and by them turned over to the local commissary, by whom it will be expended in purchasing in the open market the subsistence required for the use of the troops; when it is paid in produce it must be in such kind of produce as is ordered, and the amount must equal in money value at market rates the amount of money levied.

II. The amount assessed by the committee will be in proportion to the wealth of the persons assessed, and the standard for the estimate of wealth will be the last valuation made by proper State officers.

III. The payment of assessments in produce will be made by delivery of the articles to the local commissary, and his receipt to the individual will be submitted to the committee, to be entered on their books, and no payment of an assessment will

be complete until the receipt has been so entered and countersigned by a member of the committee.

IV. No articles of produce will be accepted in payment of an assessment except meat, breadstuffs, and forage, and no money paid for an assessment must be expended except for meat and breadstuffs and cooking utensils for the use of troops.

V. The following persons will be subject to assessment: First, all persons who have enrolled themselves as disloyal or in sympathy with the rebellion; second, all persons who have failed or neglected to enroll, whether loyal or disloyal; third, all persons who have enrolled as loyal or who are or have been notoriously disloyal, and who have done no acts or used their influence to show their loyalty.

VI. Property of widows or orphan children less in value than $5,000 will not be assessed unless they have given aid or comfort to guerrillas; in that case it will be included in the assessment.

VII. The committee will keep a regular set of books, in which the names and residences of the individuals assessed will be entered, together with the estimated value of their possessions and the money value of the amount levied, together with the dates and amounts of the payments thereon. Substance taken for the subsistence of troops since the 1st of August last will, upon due proof thereof being made to the committee of the fact and of its market value, be credited to the account of the person from whom it was taken in making up the account of his payment.

VIII. When an assessment is made and payment refused or neglected, after due notice, the committee will notify the military commander of the fact, who will cause property to four times the amount of the levy to be seized from the delinquent and publicly sold to pay the amount.

IX. Notice of assessment will be made as follows: To persons living 5 miles and less from the point at which the payment must be made four days' notice, and one day longer notice for every additional 8 miles of travel necessary to make delivery of the amount levied. In extreme cases, of which the committee must be the judges, shorter notice, at their discretion, may be given, allowing, however, a reasonable time for the delivery.

X. Each member of the committee will take the following oath before entering upon the discharge of his duties:

I, ——— ———, do solemnly swear (or affirm) that I will faithfully and honestly discharge my duty as a member of the assessment committee, constituted by General Orders, No. —, Headquarters Northeast Missouri District, in accordance with the rules therein laid down, to the best of my ability. So help me God.

XI. Each local commissary will take the following oath before entering upon the discharge of his duties:

I, ——— ———, do solemnly swear that I will honestly and faithfully discharge the duties of commissary for the Enrolled Militia; that I will honestly expend the moneys which may come into my hands from the assessment committee in the manner and for the purpose indicated in General Orders, No. —, Headquarters Northeast Missouri District, and that I will not have any pecuniary or other interest in any purchase which I may so make. So help me God.

XII. When horses are necessary to mount the local militia they will be obtained by requisition upon the county committee, who [will] direct them to be furnished by those subject to assessment who can best spare them, taking care to avoid stripping a farm entirely or seriously crippling its means of cultivation. These horses will be receipted for by the committee and to them by the militiamen to whom they are issued, who will be held responsible for their return and careful usage. In case they are unavoidably lost or killed in action, of which there must be some proof, the value will be paid the owner by a general assessment upon those required to furnish horses. Horses so taken will be returned to their owners as soon as the necessity for their use is past. In no case will horses be taken to mount a militiaman who can mount himself, unless by so doing he would entirely strip his own farm.

By command of Brigadier-General Merrill:

GEO. M. HOUSTON,
Major and Assistant Adjutant-General.

[Ibid., pp. 704, 705.]

On September 1, 1862, immediately after the organization of the St. Louis board of assessment, the governor of the State addressed the banks and banking institutions of the city of St. Louis, as follows:

HEADQUARTERS MISSOURI STATE MILITIA,
St. Louis, September 1, 1862.

SIR: The State requires the sum of $150,000 to purchase arms for the militia, and as you have seen from an order of General Schofield, it is intended to raise the money by assessments upon those who are the known enemies of the Government.

In the meantime it is necessary to have the money for the above purpose immediately, and I have caused the sum to be divided among the banks of the city in proportion to their capital. In such distribution I have to request that you will make provision for $———, so that the State can have the use of it until sufficient money shall be collected by the assessments, out of the first of which the money now asked will be repaid.

Your obedient servant, H. R. GAMBLE.

[Journal Missouri House of Representatives, adjourned session, 1863–64, Part I, Appendix, p. 354.]

The money, $150,000, asked for by Governor Gamble was promptly advanced and was expended in the State service, but the authority for or the expediency of the proposed assessment having been called in question, the governor, on December 2, 1862, addressed the banks from whom advances had been received, as follows:

ST. LOUIS, *December 2, 1862.*

SIR: I appealed some time since to the different banks and banking institutions of the city for an advance of the sum of $150,000 for the purpose of arming the enrolled militia of the State, the advance to be refunded out of the proceeds of an assessment then recently ordered by General Schofield.

The banks with commendable promptness made the advance.

My present object is to know whether the institutions will release the security afforded by the assessment, and rely upon the State for the repayment of the money which has been expended in its service.

Very respectfully, your obedient servant, H. R. GAMBLE,
Governor of Missouri.

[Ibid., p. 354.]

To this letter the banking institutions replied in form as follows:

ST. LOUIS, *December 4, 1862.*

Hon. H. R. GAMBLE,
Governor of Missouri.

DEAR SIR: Understanding from your communication of 2d instant that it is desired that the assessment should be dispensed with, I am authorized to say that if such should be the case, the ——— ——— will waive any claim we may have on the funds which would have been collected from that source.

Respectfully, etc., ——— ———.

[Ibid., p. 355.]

Under date of December 5, 1862, General Schofield, in answer to a communication from the president of the assessment board, stated that in the matter of the proposed assessment he had acted upon his own responsibility as an officer of the United States and not under the orders of the governor of Missouri, though the measure had the approval of that official. Following is a copy of General Schofield's letter:

ST. LOUIS, MO., *December 5, 1862.*

JAMES S. THOMAS, Esq.,
President St. Louis County Board.

SIR: I have the honor to acknowledge the receipt of your communication of the 3d instant, in which you request me to answer, for the information of the county board, the following questions touching Special Orders No. 91, issued by me, and under which your board is now acting:

First. Is it ordered under the authority or approval of Hamilton R. Gamble as governor of the State of Missouri?

Second. Is it an order of your own as commander of the State troops of Missouri, or as commander of the militia enrolled under the order of the governor?

Third. Is it an order of your own as commander of the military District of Missouri; and if so, is it recognized by the War Department?

These questions can doubtless be most satisfactorily answered by a brief reference to the military condition of Missouri at and about the time the order was issued, and to the position occupied by myself at that time. By appointment from the major-general commanding the Department of the Mississippi, I was commander of the

military District of Missouri, and as such, acted purely under the authority of the United States. I was placed here for a certain definite purpose, which may be briefly stated—to restore the authority of the United States throughout the State of Missouri and to restore and preserve the peace of the State. To enable me to accomplish this, there was placed at my disposal a certain military force, composed of United States Volunteers and the State militia raised for this special service, under an agreement between the governor of Missouri and the President of the United States.

For a time this force seemed quite sufficient for the purpose, but soon military operations in Arkansas and Tennessee rendered necessary the withdrawal from Missouri of a large portion of the troops originally assigned to my command.

Soon after this, in pursuance of a plan of the rebel government, large numbers of rebel troops from Missouri were sent back into the State with commissions to recruit and organize troops for the Southern army. Some of these returned rebels succeeded in passing secretly through our lines, others were arrested, and others gave themselves up and took the required oath and parole, professing their desire to return to their allegiance. These emissaries from the rebel government spread themselves over the State, and secretly enlisted, organized, and officered a very large number of men; places of rendezvous were designated, and all were ordered to hold themselves in readiness to assemble when the signal should be given. Their plan was to maintain their ground in Missouri, if possible, and if not, to make the best of their way into Arkansas. They were promised, and to some extent received, cooperation from the enemy's forces in the latter State. So extensive was their organization that notwithstanding the discovery and partial prostration of the scheme, not less than 10,000 guerrillas were at one time in arms in Missouri. Aware of the impending danger, I called upon the United States Government for more troops. The reply was that not a single regiment could be furnished. There was nothing left, then, but to call forth the latent power of the State to save her from the horrors of guerrilla war, and to preserve the authority of the United States within her borders. I therefore availed myself of my position as brigadier-general of the Missouri militia, and called upon the Government for authority to enroll and organize all the militia of the State and to call into active service such force as I might deem necessary. This authority was readily granted, and the work immediately commenced. With the immense difficulties which lay in the way of its successful prosecution, arising from the apprehension and distrust excited in the minds of the people, both loyal and disloyal, and the doubts existing in the minds of many of the success of so great an experiment, tried for the first time in the country, your board are, perhaps, as familiar as myself. Its final triumph and happy results are known to every one in Missouri.

Not the least of the difficulties to be overcome was to provide the means for arming and subsisting this force. Some arms were furnished by the United States, but soon this source failed. Subsistence was entirely denied. I was therefore again thrown upon my own resources to provide the means for performing the duty assigned me by the Government, viz, "to take care of Missouri." Under these circumstances I determined that those who, by their open or secret aid and encouragement to the rebellion, had brought upon the State so great a calamity should bear the extraordinary expense necessary to bring back a state of peace and prosperity, and at the same time be made to realize that such crimes could not be committed with impunity. The mode of accomplishing this was a matter for careful consideration, particularly whether it should be done under State or Federal authority. The money was to be chiefly used for the support of a State force, for whose maintenance the United States were in no way responsible and provided for by no law of Congress. The State was entirely without means to meet such expense, and I was so informed by the governor. On the other hand, this force was called into existence solely to enable me to discharge the important and difficult duty assigned me by the United States Government, and to enable me and my predecessors to accomplish which we had been entrusted with all the powers of martial law. There was manifestly no other law, either State or Federal, under which the money required could be raised for the specific purpose, either by assessment of disloyal persons or otherwise, nor by which those guilty of aiding in bringing calamity upon the State could be made to feel the sting of just retribution before it should be too late to produce good results. It was therefore manifest that the order should spring from United States authority, the source of martial law. Hence the order was issued from "Headquarters District of Missouri," and possessed whatever of force I could give it in my capacity as representative of the military power of the United States in Missouri.

The above is substantially an answer to all your questions. I acted in this, as in all other matters, upon my own responsibility as an officer of the United States, and not under the orders of the governor of Missouri. It was a matter with which the

governor had officially nothing to do, although he expressed unhesitatingly his approval of the measure, and proceeded at once to raise funds to meet the present necessities of the military service, pledging, as he was authorized by me to do, the money to be raised by assessment to meet the liabilities thus incurred.

Your first question may therefore be briefly answered thus: The order was issued not under the authority but with the approval of the governor of Missouri.

Your second question is answered in the negative.

In order that your third question may be fully answered, it is proper for me to state that no intimation of either approval or disapproval of the measure has ever reached me from the War Department.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Brigadier-General.

[Official Records of the Union and Confederate Armies, Series I, Vol. XXII, Part I, pp. 810–812.]

The enforcement of the assessment order by General Schofield created great dissatisfaction and serious opposition. A memorial on the subject addressed to the governor of the State was by him referred to Major-General Curtis, commanding the Department of the Missouri, who, on December 9, 1862, referred the matter to the General in Chief, with comments relative to the legality of the tax. Following is a copy of this communication:

HEADQUARTERS DEPARTMENT OF THE MISSOURI.
St. Louis, December 9, 1862.

I have carefully read this communication of the Rev. Dr. Eliot, and considered the grave questions involved.

An order was issued by General Schofield, commanding the District of Missouri, to levy half a million of dollars from the "secessionists and Southern sympathizers of St. Louis County, for subsisting, clothing, and arming the enrolled militia while in active service and in providing for the support of such families of militiamen and United States Volunteers as may be left destitute." As the fund is only to apply to State troops and State paupers, I supposed the order was issued by General Schofield in his capacity of a State brigadier-general; but the indorsement to me by the governor and the communication of General Schofield of the 5th instant, directed to the board of commissioners, seem to invoke the responsibility of the United States as the sole author of this assessment. Before taking any step myself in this matter, I therefore submit certain legal questions which arise in my mind to the consideration of the commanding general in chief:

Can the United States levy and collect a special tax of this sort for a State purpose?

Are the enrolled militia in "active service" a State or United States charge?

Does not such direct tax by the United States conflict with the general direct tax levied by Congress?

Does it not conflict with the confiscation law?

Does it not conflict with the Constitution in the mode and object of taxation and the right of the State to provide for its own militia?

The right to meet a military necessity by forced laws or forced assessments I claim as a military necessity, but I do not perceive that such a necessity is presented now where the order seems to apply.

I have, therefore, to refer the matter to Maj. Gen. H. W. Halleck, whose determination will be communicated to the reverend and very worthy author of this document and to his excellency the governor.

Respectfully, SAML. R. CURTIS, *Major-General.*

[Ibid., pp. 802, 803.]

On the following day, December 10, 1862, General Curtis addressed a letter to Governor Gamble on the same subject, in which he said:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, December 10, 1862.

GOV. HAMILTON R. GAMBLE, *St. Louis, Mo.*

SIR: Your note of the 1st instant, on the subject of assessment, saying that you inform gentlemen who come to you "that the assessment stands upon United States authority, and not upon State authority," was duly received and carefully consid-

ered. I have supposed it a State proceeding, and expressed my determination to support your officers in their efforts to execute your will, if found necessary. Since you and General Schofield regard it as an act of the United States, grave questions arise in my mind as to the harmony of my exercise of such powers in the face of the Constitution, the revenue laws, and the confiscation act. I have, therefore, referred the whole matter to headquarters, for the consideration of General Halleck, pending which the President has directed me to stay all further proceedings.

I have the honor to be, governor, your excellency's obedient servant,

SAML. R. CURTIS,
Major-General, Commanding Department of the Missouri.

[Ibid., p. 827.]

The instructions of the President referred to in General Curtis's letter to Governor Gamble were as follows:

EXECUTIVE MANSION,
Washington, December 10, 1862.

Major-General CURTIS, *St. Louis, Mo.:*

Please suspend, until further order, all proceedings on the order made by General Schofield, on the 28th day of August last, for assessing and collecting from secessionists and Southern sympathizers the sum of $500,000, etc., and in the meantime make out and send me a statement of facts pertinent to the question, together with your opinion upon it.

A. LINCOLN.

[Ibid., p. 826.]

On December 30, 1862, the Governor issued an order prohibiting the making of assessments by officers of the Enrolled Missouri Militia. This order reads as follows:

GENERAL ORDERS, No. 50.

HEADQUARTERS STATE OF MISSOURI,
ADJUTANT-GENERAL'S OFFICE,
St. Louis, December 30, 1862.

The impression seeming to exist among officers of the Enrolled Militia that the orders heretofore issued from district or department headquarters by United States officers, in regard to assessments, are to be executed by them, this order is published to correct any such impression and to prevent confusion.

The Enrolled Militia are under the exclusive command of their own officers, except when they are by express orders placed under the command of United States officers, and they will be governed only by such orders as may be issued from these headquarters. If, therefore, any officers of the Enrolled Militia are engaged in making assessments in pursuance of orders from United States commanders they will immediately suspend all action under said orders.

No orders authorizing assessments have ever been issued from these headquarters, and none will, therefore, be made by the Enrolled Militia.

By order of the Commander in Chief:

WM. D. WOOD,
Acting Adjutant-General.

[Journal Missouri House of Representatives, adjourned session, 1863-64, Part I, Appendix, p. 100.]

On the following day Governor Gamble advised the President of his action in a communication of which the following is a copy:

JEFFERSON CITY, MO., *December 31, 1862.*

His Excellency ABRAHAM LINCOLN,
President of the United States:

I have stopped all assessments of Enrolled Militia. Please order by telegraph the suspension of all assessments by United States officers. Great distress is produced.

H. R. GAMBLE,
Governor of Missouri.

[Official Records of the Union and Confederate Armies, Series I, Vol. XXII, Part I, p. 888.]

A few days later, on January 3, 1863, Brigadier-General Merrill, commanding the District of Northeastern Missouri, instructed his subordinates relative to assessments as follows:

CIRCULAR.] HEADQUARTERS DISTRICT OF NORTHEASTERN MISSOURI,
Warrenton, Mo., January 3, 1863.

GENTLEMEN: I am directed by General Merrill to instruct you that no orders from any competent source have been given to stop the assessment in northern Missouri, and that no such order will be made at any future time, except it be by some authority of an officer superior to himself, and then it will be against his hearty protest. You will accordingly proceed with your work as rapidly as possible in order that the amounts assessed may be collected at once. Should any order stopping the assessment be made by proper authority you will be at once notified. I am directed to state, in addition, that, in this matter, you are not under the control of any local military commanders, or subject to any orders, except those from General Merrill. Neither are you subject to any control from the governor or any officer of the Enrolled Militia of this State in regard to the matter.

By order of Brigadier-General Merrill:

GEO. M. HOUSTON,
Major and Assistant Adjutant-General.

[Ibid., Part II, p. 16.]

On January 5, 1863, the President addressed Major-General Curtis on the same subject in a letter of which the following is a copy:

EXECUTIVE MANSION,
Washington, January 5, 1863.

Major-General CURTIS.

MY DEAR SIR: I am having a good deal of trouble with Missouri matters, and I now sit down to write you particularly about it. One class of friends believe in greater severity and another in greater leniency in regard to arrests, banishments, and assessments. As usual in such cases, each questions the other's motives. On the one hand, it is insisted that Governor Gamble's Unionism, at most, is not better than a secondary spring of action; that hunkerism and a wish for political influence stand before Unionism with him. On the other hand, it is urged that arrests, banishments, and assessments are made more for private malice, revenge, and pecuniary interest than for the public good. This morning I was told by a gentlemen, who I have no doubt believes what he says, that in one case of assessments for $10,000, the different persons who paid compared receipts, and found they had paid $30,000. If this be true, the inference is that the collecting agents pocketed the odd $20,000. And true or not in the instance, nothing but the sternest necessity can justify the making and maintaining of a system so liable to such abuses. Doubtless the necessity for the making of the system in Missouri did exist, and whether it continues for the maintenance of it is now a practical and very important question. Some days ago Governor Gamble telegraphed me, asking that the assessments outside of St. Louis County might be suspended, as they already have been within it, and this morning all the members of Congress here from Missouri but one laid a paper before me asking the same thing. Now, my belief is that Governor Gamble is an honest and true man, not less so than yourself; that you and he could confer together on this and other Missouri questions, with great advantage to the public; that each knows something which the other does not, and that acting together you could about double your stock of pertinent information. May I not hope that you and he will attempt this? I could at once safely do (or you could safely do without me) whatever you and he agree upon. There is absolutely no reason why you should not agree.

Yours, as ever,

A. LINCOLN.

[Ibid., pp. 17, 18.]

On January 20, 1863, the Secretary of War advised General Curtis that the order suspending "assessments for damages" was not designed to be limited to St. Louis, but was meant to include all such assessments in the State of Missouri. Following is a copy of his communication:

WAR DEPARTMENT,
Washington, January 20, 1863.

Major-General CURTIS, *St. Louis, Mo.:*

The order suspending for the present any further action upon assessments for damages was not designed to be limited to St. Louis, but was meant to include all such assessments in the State of Missouri. You will, therefore, suspend them until further instructions.

EDWIN M. STANTON,
Secretary of War.

[Ibid., p. 64.]

And on the same day Brigadier-General Merrill, whose order of January 3, 1863, is quoted above, issued the following circular, copies of which were addressed to his subordinate commanders:

CIRCULAR.] HEADQUARTERS DISTRICT OF NORTHEASTERN MISSOURI,
Warrenton, Mo., January 20, 1863.

GENTLEMEN: You will not, for the present, continue the collection of any assessments you have made. It is hoped that the proper knowledge of this matter on the part of the President will soon permit the resumption of your work, which for the present, on account of strong opposition made to it by your representatives in Congress and the President, must be suspended. It would be well to let your representatives have a knowledge of your feelings on the subject, as they are now working against it with such force as makes it advisable to bend to the pressure for a little while, for fear of a Presidential order revoking the whole thing.

With much respect, your obedient servant,

LEWIS MERRILL.
Brigadier-General, Commanding District of Northeastern Missouri.

[Ibid., p. 64.]

It is possible that some of the more recent of the foregoing orders and instructions had reference to assessments for the payment of damages sustained by loyal citizens from the depredations of guerrilla bands, as well as to the assessments for the support of the loyal militia. The history of the former class of assessments, however, is foreign to the subject of this paper. It is sufficient here to state that the project of making assessments upon the alleged disloyalists for the support of the Enrolled Missouri Militia does not appear to have been revived. It will be seen from another part of this paper that about the time the project was abandoned provision was made by the General Government to furnish the Enrolled Missouri Militia with forage, subsistence, and transportation when on active service, and that authority was subsequently given by the Secretary of War for the issue of clothing, camp and garrison equipage, and medical supplies.

Provision was made by the legislature of the State for the "payment and support" of the Enrolled Missouri Militia by an act approved March 9, 1863, of which the following is an extract:

AN ACT to provide the means for the payment and support of the enrolled militia forces of the State of Missouri.

Be it enacted by the general assembly of the State of Missouri, as follows:

§ 1. For the purpose of paying the Enrolled Militia, including surgeons and physicians, who have been in the service of the State, and such other militia forces as may be ordered into the service of said State, the governor is hereby authorized and directed to cause to be issued State bonds as the same may be required from time to time, to pay the militia forces aforesaid for services actually rendered to the State, in sums of one, three, five, ten, and twenty dollars each; in all not to exceed in amount three millions of dollars, and which shall be known as "Union Military Bonds," and shall be payable at the office of the treasurer in Jefferson City, Missouri, twelve

months after date, with six per centum interest from date, out of the Union Military Fund hereinafter provided, and shall be redeemable at any time thereafter at the pleasure of the State.

* * * * * * *

§ 9. A fund is hereby created which shall be denominated the "Union Military Fund," and shall consist of all moneys that may come into the Treasury of the State from appropriations made by the Congress of the United States to the State of Missouri, for the purpose of paying the militia forces thereof, or for indemnity for expenses incurred in suppressing the rebellion, or by loan for that purpose; and all taxes, dues, assessments, fines, and other liabilities that may be levied, assessed, and collected for, or may be due or coming to said State, by virtue of this or any other act for the special purpose of paying the militia; and this fund shall be and is pledged for the payment and redemption of all the bonds, principal and interest, which may be issued under this act (and shall be set apart by the Treasurer for that purpose only), and paid out under its provisions.

§ 10. Each and every person liable to do and perform military service contained within the following classes, shall be exempt from such service during each year on the annual payment of a commutation tax in consideration of such exemption equal to ten dollars each, and one per cent. upon the assessed value of his property: First, all persons who have refused, or who may hereafter refuse, for any cause, to perform military service. The commutation tax, in this section provided, shall be assessed and collected on assessment rolls, to be made out for each county by such military officers as may be assigned to that duty, and such commutation tax shall be collected and paid into the State Treasury as part of said fund, as provided in the next section.

* * * * * * *

§ 14. The governor is hereby authorized and directed to borrow any sum of money not exceeding one million five hundred thousand dollars upon bonds of the State, signed by himself and countersigned by the Secretary of State, with the great seal of the State attached, not having less than one, nor more than three years to run, at seven per cent. interest, with coupons attached for the interest, payable semiannually at Jefferson City, Missouri. Said bonds shall be redeemable at maturity, and the principal and interest shall be paid out of the Military Fund created by this act. The bonds thus issued shall be registered in the secretary's office, and the money borrowed thereupon shall be paid out to the Enrolled Militia for active service, as prescribed in this act. These loans may be obtained from banks, or individuals, in Missouri paper, United States Treasury notes made a legal tender, or other current funds; and in case said loan is effected, the bonds in this bill provided shall not be issued.

Approved, March 9, 1863.

[Laws of Missouri, 1863, pp. 25–29.]

In an act of the legislature approved March 23, 1863, the tenth section of the act of March 9, 1863, was so amended as to require the annual payment of $30 instead of $10 commutation tax in lieu of personal service.

As reported by the adjutant-general of the State (Annual Report, 1863, p. 30), the provisions of the State law permitting exemption from militia duty on the payment of the commutation tax interfered greatly with the efficiency of the Enrolled Missouri Militia, and it was found expedient by the governor of the State to order that the law should not apply to persons who had been detailed for active service in the provisional regiments unless the payment of the tax had been made in advance of the detail. Following is a copy of the order:

GENERAL ORDERS, No. 14.

HEADQUARTERS STATE OF MISSOURI, ADJUTANT-GENERAL'S OFFICE, *St. Louis, April 23, 1863.*

* * * * * * *

II. The section in the act of the general assembly, approved March 3, 1863, which allows of exemption from militia duty upon payment of a commutation tax is not to be so construed as to allow of an exemption to any person who may be detailed for active service in the provisional regiments, unless the payment of the tax shall be made before the person shall be detailed for service. All persons, therefore, who

are liable to detail, and who desire to obtain exemptions, must comply with the law by making the payment immediately.

By order of the Commander in Chief:

JOHN B. GRAY,
Adjutant-General.

[Annual Report Adjutant-General of Missouri, 1863, p. 30.]

Measures were also adopted to compel the service of persons subject to military duty who should fail to pay the commutation tax. The orders on this subject were as follows:

GENERAL ORDERS, No. 23.

HEADQUARTERS STATE OF MISSOURI,
ADJUTANT-GENERAL'S OFFICE,
St. Louis, September 14, 1863.

1. All persons subject to military duty in this State who have been assessed by the commissaries of exemption for refusing to perform militia duty, and who fail to pay their commutation tax to the proper collector, when called on for the same, and become delinquent, shall be reported by such collector to the commander of his Enrolled Missouri Militia district, or to such other person as said district commander shall designate.

The district commander shall cause all such persons to be arrested without delay, and require them to perform militia duty until said tax is fully discharged. If any delinquent be considered an improper person to bear arms, he will be required to perform fatigue duty. And all such persons will be allowed the same pay as other persons similarly employed in the Enrolled Missouri Militia.

By order of the Commander in Chief:

JOHN B. GRAY,
Adjutant-General.

[Journal Missouri House of Representatives, adjourned session, 1863–64, Part I, Appendix, p. 214.]

GENERAL ORDERS, No. 5.

HEADQUARTERS STATE OF MISSOURI,
ADJUTANT-GENERAL'S OFFICE,
St. Louis, February 20, 1864.

I. By direction of the commander in chief, the following officers of the Enrolled Missouri Militia are hereby detailed for active service as commissaries of exemptions for the counties set opposite their names, for the current year, and will at once enter upon the discharge of their duties as such.

* * * * * * *

V. All persons who have heretofore or who shall hereafter fail to pay the commutation tax, when properly assessed, are required to perform military service until said tax is paid, they receiving the pay allowed to other persons in the military service of the same grade, and the commissaries of exemptions will cause all such persons to be arrested and require them to perform fatigue duty until said tax is fully discharged.

By order of Maj. Gen. W. S. Rosecrans:

JOHN B. GRAY,
Adjutant-General.

[Annual Report Adjutant-General of Missouri, 1864, pp. 38–40.]

GENERAL ORDERS, No. 20.

HEADQUARTERS STATE OF MISSOURI,
ADJUTANT-GENERAL'S OFFICE,
St. Louis, May 10, 1864.

* * * * * * *

II. Commissaries of exemptions are furthermore directed to forward to the commanding officers of their respective districts, upon the date above mentioned, a list embracing the names and residence of all persons liable to perform militia duty within their counties who have failed to enroll in compliance with existing orders, and who have been assessed in consequence of such failure, or who have failed to pay the commutation tax when properly called upon, either for the year 1863 or 1864, in order that such persons may be arrested and required to perform fatigue duty until said tax be fully discharged, in compliance with the provisions of General Orders, No. 5, current series, from these headquarters.

* * * * * * *

By order of Maj. Gen. W. S. Rosecrans:

JOHN B. GRAY,
Adjutant-General of Missouri.

[Ibid., p. 43.]

OBJECT OF ORGANIZATION, COMMAND, SERVICE, STATUS.

The object of the organization of the Enrolled Missouri Militia, as given in the general orders relating to their enrollment and embodiment as a military force, need not be here repeated. Contemporaneously with the issue of those orders General Schofield addressed the General in Chief, through his assistant adjutant-general, a letter in which he said, with regard to the purpose of the organization:

HEADQUARTERS ST. LOUIS DISTRICT,
St. Louis, Mo., July 26, 1862.

Col. J. C. KELTON,
Assistant Adjutant-General, Washington, D. C.

COLONEL: I have the honor to inclose, for the information of the major-general commanding, copies of orders recently issued by the governor of Missouri and myself, directing an enrollment of all the militia of the State preparatory to calling into service such force as any emergency may render necessary.

My reasons for adopting this course are the following: Large numbers of returned soldiers from Price's army, having found their way back to their homes, have secretly organized nearly the entire rebel portion of the State and are beginning to carry out the declared intention of some of their leaders to wage a war of destruction and extermination upon the loyal people, while Price is organizing a force in Arkansas with the purpose of reentering Missouri, if possible. So much has the probability of this result taken hold of the rebel mind in Missouri that a general rising among them is certain unless prompt and vigorous measures be taken to put it down.

Whether any considerable force will attempt to enter Missouri I am hardly able to judge, as it depends mainly upon the movements of General Curtis and their result. One thing is certain, there is now near the Arkansas line, south of Rolla, a much larger force than I can cope with unless I concentrate a large portion of my force and leave a corresponding portion of the State to be overrun by guerrillas. This is the immediate and pressing necessity which has induced me to call at once for all of the militia of the State to be in readiness for any emergency that may arise. The ultimate and still more important end to be accomplished is to place the State in a condition to take care of itself without expense to the United States, and thus justify a withdrawal for more important service of troops in the service and pay of the United States.

* * * * * * *

I am, colonel, very respectfully, your obedient servant,

J. M. SCHOFIELD,
Brigadier-General.

[Official Records of the Union and Confederate Armies, Series I, Vol. XIII, p. 513.]

On August 11, 1862, Governor Gamble, writing to the General in Chief, said:

Officers from Price's army have been for some time recruiting in north Missouri. I ordered a general enrollment of militia.

[Ibid., p. 557.]

A few days later it was announced in an order from State headquarters (General Orders, No. 23, of October 23, 1862):

They are a body organized for the purpose of preventing violations of the law of the State.

[Journal Missouri House of Representatives, adjourned session, 1863–64, Part I, Appendix, p. 89.]

On November 24, 1862, Brigadier-General Warmoth, commanding the Second District, Enrolled Missouri Militia, declared in a circular order: "The Enrolled Militia of the State of Missouri is in active service for the purpose of maintaining and executing the civil laws of the State." The full text of the order is as follows:

HEADQUARTERS SECOND DISTRICT, E. M. M.,
Rolla, November 24, 1862.

The Enrolled Militia of the State of Missouri is in active service for the purpose of maintaining and executing the civil laws of the State. This being the principal object, it will be well for all militia commanders in this district to fully understand it.

The laws of the State are for the protection of the lives, liberty, and the property of its citizens. Loyalty is a necessary ingredient to citizenship, and without it no man is entitled to protection, either for himself or his property.

Under the laws of the State of Missouri, property is recognized in slaves. Frequent letters have been received at these headquarters asking the advice of the commanding general in regard to fugitive slaves.

It is hereby ordered, "That the slaves of all loyal citizens who shall escape to the lines of the militia of this district shall, upon application and full satisfaction of the loyalty of the owner, be given up."

Whatever policy may be adopted by the General Government with regard to this species of property, it is not for the militia to anticipate, but it is hoped that a special regard will be had for the property of Union men, of whatever description it may consist.

While our statute books contain legal enactments and provisions recognizing property in negroes, it will be the duty of the militia to protect the owner in the free enjoyment of his property. In this way dissimulation and discord will cease, prosperity, peace, and happiness be welcomed as they return to the hearths of the great Commonwealth.

By order of—

H. C. WARMOTH,
Brigadier-General, Commanding.

[Ibid., p. 89.]

On December 5, 1862, General Schofield, in a letter to the president of the St. Louis County assessment board, quoted in full in another part of this report, stated, in effect, that the purpose of the organization was to suppress guerrilla warfare in the State of Missouri, "and to preserve the authority of the United States within her borders."

The objects for which the provisional regiments of Enrolled Missouri Militia were formed will appear in a chapter devoted to those regiments.

Under date of December 30, 1862, an order was issued by authority of the governor of the State (General Orders, No. 50, quoted above), in which it was declared:

The Enrolled Militia are under the exclusive command of their own officers, except when they are by express orders placed under the command of United States officers, and they will be governed only by such orders as may be issued from these [State] headquarters.

As regards the status of the Enrolled Missouri Militia, Brigadier-General Vaughan, commanding the Fifth Military District, said, in a general order, dated March 11, 1863:

GENERAL ORDERS, No. 3. HEADQUARTERS FIFTH MILITARY DISTRICT, E. M. M., *Lexington, Mo., March 11, 1863.*

The E. M. M. is exclusively a State force, organized by State authority and in accordance with State laws, and as such is not amenable to or bound by any other law. You are therefore required in all your dealings to obey and enforce the State law.

By order of—

BRIG. GEN. R. C. VAUGHAN,
Commanding Fifth Military District, E. M. M.

[Ibid., p. 90.]

On April 23, 1863, General Orders, No. 14, were issued from State headquarters prohibiting enlistments from the Enrolled Militia into the volunteer service of the United States when such militia had been detailed for active service. Following is a copy of the order:

GENERAL ORDERS, No. 14. HEADQUARTERS STATE OF MISSOURI, ADJUTANT-GENERAL'S OFFICE, *St. Louis, April 23, 1863.*

1. Hereafter no enlistments will be allowed from any organization of Enrolled Missouri Militia into the volunteer service of the United States when such militia

shall have been detailed for active service, and shall have been embodied as a force in the field.

* * * * * * *

By order of the Commander in Chief:

JOHN B. GRAY,
Adjutant-General.

[Ibid., p. 257.]

On May 29, 1863, the command of the Enrolled Missouri Militia then in actual service within the State, including the Provisional Regiments, was conferred upon Major-General Schofield, who had been assigned to the command of the Department of the Missouri. This was done in orders from State headquarters published in general orders from headquarters Department of the Missouri, as follows:

GENERAL ORDERS, No. 45. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, May 30, 1863.*

The following order from headquarters State of Missouri, is published for the information of all concerned:

"GENERAL ORDERS, "No. 17. "HEADQUARTERS STATE OF MISSOURI, "ADJUTANT-GENERAL'S OFFICE, "*St. Louis, May 29, 1863.*

"1. The command of the Enrolled Militia now in actual service within the State, including the Provisional Regiments, is conferred upon Maj. Gen. John M. Schofield, commanding the Department of the Missouri.

* * * * * * *

"By order of the Commander in Chief:

"ALEXANDER LOWRY,
"*Captain and Assistant Adjutant-General.*"

Commanding officers of Enrolled Militia in actual service will make the customary reports and returns to the commanders of the districts in which they may be serving. These returns will be consolidated at district headquarters and forwarded to department headquarters in the usual manner, but separate from the return of other troops.

By command of Major-General Schofield:

A. V. COLBURN,
Assistant Adjutant-General.

Under date of July 29, 1863, General Schofield declared, in an order from headquarters Department of the Missouri, that the act of Congress approved March 13, 1862, prohibiting persons in the military service of the United States from employing any of the force under their command for the purpose of returning fugitives from service or labor, applied to the Enrolled Missouri Militia in active service, and that they would not be permitted to aid the civil authorities in the arrest and return of fugitive slaves. Following is a copy of the order:

GENERAL ORDERS, No. 75. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, Mo., July 29, 1863.*

The act of Congress approved March 13, 1862, prohibits all officers or persons in the military service of the United States from employing any of the forces under their command for the purpose of returning fugitives from service or labor.

To prevent misapprehension as to the scope of this prohibition it is hereby declared to extend to all troops in this department, including the Enrolled Militia of Missouri in active service.

The latter, being under the command of the major-general commanding the department, can not be permitted to aid civil officers in the arrest or return of fugitive slaves.

By command of Major-General Schofield:

C. W. MARSH,
Assistant Adjutant-General.

On August 19, 1863, the general orders previously issued from State headquarters prohibiting enlistments from the Enrolled Missouri Militia into the United States volunteer service were revoked. This was done in General Orders, No. 21, of which the following is a copy:

GENERAL ORDERS, No. 21.

HEADQUARTERS STATE OF MISSOURI, ADJUTANT-GENERAL'S OFFICE, *St. Louis, August 19, 1863.*

So much of General Orders, No. 14, current series, from these headquarters, as prohibits enlistments from the Enrolled Militia, while in active service, into the volunteer service, is hereby revoked; provided, however, that enlistments out of this force shall be subject to such restrictions as may, for the good of the service, be made by Major-General Schofield, commanding that portion of the Enrolled Missouri Militia which is now in active service.

By order of the Commander in Chief:

JOHN B. GRAY, *Adjutant-General.*

[Journal Missouri House of Representatives, adjourned session, 1863–64, Part I, Appendix, p. 257.]

And on August 27, 1863, the action of the governor in permitting enlistments into the volunteer service of the United States was promulgated in general orders from headquarters Department of the Missouri, as follows:

GENERAL ORDERS, No. 89.

HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, Mo., August 27, 1863.*

Men belonging to the Enrolled Militia of Missouri, in active service, are permitted by the order of the governor of Missouri to enlist in United States volunteer regiments. But to prevent abuse, it is ordered that when such men are duly enlisted, their names, with the company to which they belong, and a certificate of their enlistment, shall be sent by the recruiting officer to the colonel of their regiment, with the request for their discharge. The colonel will order their discharge from his regiment, provided there be no charges against them. But if they are charged with any offense, they will not be discharged, but will be held for trial and punishment.

No militiaman so enlisted will leave his militia company until he shall receive his discharge from the colonel of his regiment. Without such discharge, his enlistment in a volunteer regiment will be regarded null and void.

By command of Major-General Schofield:

C. W. MARSH, *Assistant Adjutant-General.*

On September 17, 1863, it was announced by General Schofield, in an order from headquarters Department of the Missouri, that the proclamation of the President suspending the privilege of the writ of habeas corpus in the cases of persons belonging to the land and naval forces of the United States would be held to apply to all Missouri militia called into active service under the orders of the department commander. Following is a copy of the order:

GENERAL ORDERS, No. 96.

HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, September 17, 1863.*

The proclamation of the President, dated Washington, September 15, 1863, suspending the privilege of the writ of habeas corpus in the cases of persons belonging to the land and naval forces of the United States and other persons therein described will be held to apply to all Missouri militia called into active service under the orders of the department commander.

* * * * * * *

By command of Major-General Schofield:

J. A. CAMPBELL, *Assistant Adjutant-General.*

On September 26, 1863, the militia of the State, whether in active service or not, was placed by the governor under the command of

Major-General Schofield until further orders. This was done in General Orders, No. 24, from headquarters State of Missouri, which were published in orders from department headquarters, as follows:

GENERAL ORDERS, No. 102. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, Mo., September 28, 1863.*

I. The following order from the governor of Missouri is published for general information:

"GENERAL ORDERS, "No. 24. "HEADQUARTERS STATE OF MISSOURI, "*St. Louis, September 26, 1863.*

"The militia of the State, whether in active service or not, are hereby placed under the command of Maj. Gen. John M. Schofield until further orders.

"By order of the Commander in Chief:

"JOHN B. GRAY, *Adjutant-General.*"

II. All reports and returns of militia not in active service will be made, as heretofore, to the adjutant-general of the State; and all reports and returns of militia in active service will be made to the assistant adjutant-general at these headquarters, through the proper subordinate commanders, in the same manner as those of United States troops.

Militia in active service are placed on the same footing as United States troops so far as regards their duties and subordination to the district or subordinate commanders under whom they may be serving, but no militia officer will be placed under command of a United States officer of a lower grade.

The militia not in active service are positively prohibited from exercising any military authority, making arrests, or doing any other act which troops alone may lawfully do.

* * * * * * *

In case of emergency, which will not admit of delay, United States district commanders are authorized to call into active service, for the time being, such additional forces from the Enrolled Militia of their districts as they may deem necessary, and in such case will assign competent and reliable militia or other officers to their temporary commands.

Except in the case mentioned above no additional militia will be called into active service except by the orders of the major-general commanding.

All organizations of a military character, except such as are authorized by law and ordered by competent authority, are strictly prohibited.

By order of Major-General Schofield:

C. W. MARSH,
Assistant Adjutant-General.

Major-General Schofield was succeeded in the command of the Department of the Missouri by Maj. Gen. W. S. Rosecrans, January 30, 1864, and, in General Orders, No. 4, headquarters State of Missouri, dated February 2, 1864, General Rosecrans was placed in command "of all the militia of the State," thus succeeding to the authority, with respect to the State militia, previously bestowed upon his immediate predecessor in command of the military department. General Rosecrans was succeeded on December 9, 1864, by Major-General Dodge, but it does not appear that the latter was invested with the command of the Enrolled Missouri Militia.

In his report (not dated) of operations in Missouri and northwestern Arkansas from April 10 to November 20, 1862, Brig. Gen. John M. Schofield reported, relative to the organization and service of the Enrolled Missouri Militia, as follows:

* * * * * * *

I had hardly made the necessary disposition of my troops to preserve the peace of the State, upon the supposition that it was to be protected from invasion by the army under General Curtis, when the movement of his force to Helena left the entire southern border unprotected and the State exposed to raids of the enemy's cavalry, which it was impossible for me to meet without withdrawing protection from the homes of loyal people throughout the State, which latter would have been to give the entire State over to pillage and destruction.

About this time commenced the execution of a well-devised scheme of the rebel Government to obtain large reenforcements from Missouri and ultimately to regain possession of the State. A large number of Missourians in the rebel army were sent home with commissions to raise and organize troops for the rebel army. Many of these succeeded in secretly passing our lines and in eluding arrest. Some were arrested, and others voluntarily surrendered themselves, professing their desire to return to their allegiance, and were permitted to take the oath of allegiance and return to their homes as loyal citizens. These emissaries spread themselves over the State, and, while maintaining outwardly the character of loyal citizens or evading our troops, secretly enrolled, organized, and officered a very large number of men, estimated by their friends at from 30,000 to 50,000. Places of rendezvous were designated, where all were to assemble at an appointed signal, and, by a sudden coup de main, seize the important points in the State, surprise and capture our small detachments guarding railroads, etc., thus securing arms and ammunition, and cooperate with an invading army from Arkansas. At an early day I became aware of the impending danger, and asked for cooperation from the force at Helena and for reenforcements in Missouri. The former was promised, but failed. To the latter request I received the reply that none could be furnished. The plan of the enemy had already begun to be developed. For the purpose of procuring arms for the large force enrolled several bands of considerable strength suddenly sprang into existence and attempted the surprise and capture of some of my small detachments, passing rapidly from post to post, plundering and murdering the loyal people in their path.

Thanks to the activity and stubborn resistance of our troops, the rebels met with very limited success; but with their failure, although repeatedly beaten by our troops, their numbers rapidly augmented. New bands made their appearance in all parts of the State and commenced the work of robbery and murder for which they had been organized. A very large and immediate increase of the force under my command could alone save the State. To obtain this force from troops then in service was impossible. None could be spared from any quarter. Under these circumstances I determined to call upon the governor of Missouri for authority to organize all the militia of the State and to call into active service such force as might be necessary to aid me in destroying the guerrilla bands and in restoring a state of peace. The authority was readily granted, and the work of enrollment, organization, and arming was immediately commenced.

The difficulties attending the execution of this project of making available the entire military power of the State were at first so great, owing to various causes, and the results of its successful prosecution have been of so great importance, that the subject seems to demand of me more than a passing notice.

It was the first attempt of the kind in this or any other country under similar circumstances, and hence was to a great degree an experiment, in which much was to be learned before it could be prosecuted to perfect results. The first effect, and which was to be expected, was to cause every rebel in the State who could possess himself of a weapon of any kind to spring to arms and join the nearest guerrilla band, and thus largely and suddenly increasing the force with which we had to contend, while thousands of others ran to the brush to avoid the required enrollment. On the other hand, the loyal men throughout those portions of the State which had suffered from rebel outrages rallied at the first call with an eagerness which showed how deeply they had suffered and how highly they prized the opportunity of ridding themselves once and forever of the great evil under which they had so long lived.

In the city of St. Louis and other portions of the State not subject to guerrilla outrages the case was different. The President's order for a general draft of militia had not yet been issued but was expected, and this was regarded as a step toward preparation for it. Thousands fled from the State to avoid the enrollment. By the disloyal of all shades it was assumed as part of a general conscription, intended to force them into the ranks to fight against their Southern friends. Many young men, who would otherwise have been glad to remain quietly at home, were induced by these misrepresentations to enter the rebel ranks. Indeed, the question what to do with the disloyal among those subject to military duty was the most difficult one to settle. Their obligation to do the required service was certainly no less, if not far greater, than that of the loyal. It was regarded by the loyal people, and apparently with justice, a great hardship that rebel sympathizers should be excused from the military duty which was required of those who had been faithful to their allegiance. Whatever may be said of the policy of embodying unfaithful men in a large army it would manifestly have been ruinous in a scattered force, such as the militia must often be, and where the loyal would often be outnumbered by the traitors.

It was first proposed to exempt them upon payment of a certain fee, but this proved impracticable. A sum which the poor man in the country could pay was

ridiculously small when required of the wealthy man in the city. Many reputed loyal men, but more mindful of their comforts than of the salvation of their country, would willingly pay a high fee, which the really loyal poor man could not, and thus throw upon the shoulders of his poor neighbor the burdens, of which the latter was willing to bear his share but not the whole. Finally it was determined to take the high ground that none but those of approved loyalty should be required or permitted to bear arms in defense of the State. I have had no reason since to doubt the correctness of the principle thus established nor the wisdom of the policy pursued under it.

Another serious question was how to provide the means for arming, subsisting, and clothing this force. A portion of the arms required were supplied from the United States Arsenal, but they were of a kind poorly adapted to the service required of the militia. Subsistence was entirely denied, and clothing was out of the question. The State was entirely without means.

The calamity under which the State was suffering had been brought upon her by the influence of prominent and wealthy persons, thousands of whom were still living in the State, and even in the city of St. Louis, enjoying the protection of the Government, and many of them growing rich upon their country's calamity. These persons even yet did not hesitate to talk and act treason whenever they could do so with impunity. They even persuaded young men to join the bands of outlaws who were plundering the loyal people and driving them from their homes, and furnished them with arms and money. No permanent peace could be expected in the State until these aiders of rebellion should be banished or silenced.

For these reasons, after consultation with the governor of Missouri, I determined to assess and collect from the rebels of St. Louis County the sum of $500,000, to be used in arming, clothing, and subsisting the enrolled militia when in active service and in providing for those families of militiamen and volunteers which might be left destitute. Those living in the country were taxed in furnishing subsistence to the troops in pursuit of the enemy.

A board, composed of five of the most reliable citizens of St. Louis, was appointed and directed to assess and collect the proposed tax. Its work was but little more than commenced when my command of the District of Missouri ceased.

The enrollment and organization of the militia has been steadily pushed forward until the present time, it having been impossible to commence it in some portions of the State until very recently, in consequence of the occupation by large bodies of the enemy, which have now, however, been driven from the State.

The number of men already enrolled is 50,900, about 30,000 of whom are armed, while the State government has on hand several thousand stand of arms, which may be distributed when necessary. I believe it may safely be said that Missouri is now in condition to suppress almost instantly any insurrection which can be conceived as possible, even if all the troops now in active service were withdrawn from the State. She has, at the same time, about 40,000 men in the service of the United States, consisting of volunteers—28 regiments of infantry, 10 regiments of cavalry, and 16 batteries of artillery. Militia: Twelve regiments of cavalry, 1 regiment of infantry, and 2 batteries of artillery. Missouri may now fairly be classed among the loyal States. May not the experiment which has been so successful here be tried with equal promise of success in other States?

The order for a general enrollment was issued on July 22, 1862. By the 29th of the same month about 20,000 men had been organized, armed, and called into active service. Many of these were mounted and joined the regular troops in active operations in the field; others relieved the forces guarding important railroads and depots, while some portions of the State were given over entirely to the Enrolled Militia; particularly was this the case in the northwestern portion. The entire Northwestern Division, under the command of Brigadier-General Loan, was very soon in a condition to take care of itself, the other troops being sent first to the Northeastern Division, and afterward transferred, with their very efficient commander, to the Central Division.

Brig. Gen. W. P. Hall, of the Enrolled Militia, was assigned to the command of the Northwestern Division on August 25, 1862, since which time perfect peace has been maintained in that portion of the State without any aid whatever from the United States.

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[Official Records of the Union and Confederate Armies, Series I, Vol. XIII, pp. 9–12.]

On October 20, 1863, General Schofield, then major-general of volunteers, commanding the Department of the Missouri, wrote to the President relative to the Enrolled Missouri Militia:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, October 20, 1863.

The PRESIDENT, *Washington, D. C.*

MR. PRESIDENT: In compliance with so much of your instructions, dated October 1, as directs me to report my opinion upon the availability for good of the Enrolled Militia of Missouri, I have the honor to submit the following:

The services of the Enrolled Militia have been of great value, not only during the summer of 1862, when they were first organized, but also during the present year. The ten Provisional Regiments which the governor organized for continuous service, and placed under my command, enabled me to relieve an equal force of United States troops and send them to General Grant. On several occasions I have called out from one to four additional regiments for temporary service, to meet emergencies as they have arisen. With a few exceptions, they have responded with promptness and alacrity, and have done good service. As an example, illustrating the value of this organization, on the 18th instant I called out the Seventh Regiment of St. Louis to relieve troops in the city which I wished to send after Shelby. Within six hours after the order was made the whole city was under the guard of this regiment and a few colored recruits, and the old troops were on their way to Jefferson City. The regiment was just as valuable to me during the short time that its services were required as a regiment of regular troops would have been.

There are some points of objection to the Enrolled Militia organization, arising from defects in the State laws. Militiamen are exempted from active service for one year upon payment of the small sum of $30. The consequence of this is that, as a rule, only the most worthless class of men are found in its ranks. The company officers are elected by the men, and share their social and political prejudices, in addition to being generally incompetent, and in some instances disloyal, or at best of doubted loyalty. To remedy these defects the Provisional Regiments were formed by details of both officers and men from all the regiments, eighty in number, of Enrolled Militia. In this manner ten regiments were formed for continuous active service of as good material as could be expected in a militia organization. They were troops of about an average quality, varying, however, greatly, some being very good and others very bad. From their intimate knowledge of the country and people they have been able to render quite as valuable service, in most cases, as United States troops could have done. In some cases they have been a positive injury, in consequence of their participation in the unfortunate partisan feeling which has sprung up in the State. This fact is the most serious objection to retaining them in service. There are also other objections which I will enumerate. This detail, by which the active regiments are formed, is an arbitrary conscription, at least in many cases, and hence is more odious to the men than a regular draft. While these troops are supplied by the United States with quartermaster, commissary, and ordnance stores, they must look to the State for pay. The resources of the State available for this purpose are now nearly exhausted, and hence if these troops serve much longer they must do so without pay. It will be impossible to preserve among them the discipline and good feeling necessary to their efficiency for any considerable time after their pay is stopped.

For these reasons I have proposed to myself to gradually dispense with the services of these troops as fast as their places can be virtually supplied by new troops raised in Missouri for the general service, by volunteering or draft, and as fast as my success in Arkansas, and consequent increased security to Missouri, shall diminish the force necessary to be kept in service here. I have every reason to hope that in two or three months from this time these ten regiments can all be discharged; while, so far from having to recall troops from the main armies to take their place, additional reenforcements can be sent from Missouri to those armies.

My original design in organizing the militia of Missouri was to prepare the entire military force of the State so that it could be quickly called into active service in any emergency; such, for example, as a raid from Arkansas, thus diminishing greatly the United States force necessary to be kept in Missouri. I still propose to carry out this plan, preserving and perfecting the organization of the militia regiments so that they will be available whenever they may be required.

For the reasons I have stated, I would not recommend that these troops be kept in continuous service longer than necessary to prevent an actual withdrawal of troops from more important service. But I would not, for any reasons which now exist, or which I can now foresee, recommend that they be discharged until they can be spared without any diminution of the main armies.

I have the honor to be, very respectfully, your obedient servant,

J. M. SCHOFIELD, *Major-General.*

[Ibid., Vol. XXII, Part II, p. 666.]

In September, 1864, when Missouri was invaded by the Confederate forces under Maj. Gen. Sterling Price, Major-General Rosecrans, then in command of the military Department of the Missouri, issued an order calling upon the citizens of the State to rally in its defense, stating that the governor of the State had been informed of the threatened raid and requested to call the militia to serve until the invaders were destroyed or driven from the State, and on December 8, 1864, he issued a congratulatory order (General Orders, No. 220), in which he returned thanks to the Enrolled Missouri Militia, among other troops, "for the zeal and energy with which they performed all the duties devolving upon them in the campaign which brought to naught Price's formidable raid and defeated the schemes of the rebels and traitors in Missouri and elsewhere against the State and the nation."

Of the service of the Enrolled Missouri Militia, the adjutant-general of the State said in his annual report for the year 1863 (p. 22):

Regiments and parts of regiments were ordered into active service and relieved therefrom at various times throughout the State whenever the emergency required it, and life and property, either from bands of guerrillas or an invasion of the enemy in force, became unsafe in any locality. In doing this a sound discretion was used, so as not to involve the State in too great an expense for their payment.

Again, in the same report (p. 24), the adjutant-general said:

During the month of January the Enrolled Militia in active service were continually engaged in skirmishes and fights with small bands of guerrillas and bushwhackers, in all of which they invariably routed the enemy whenever a fight could be gotten out of them or a stand was made. The heaviest engagement in which the enemy was in any considerable force was at the battle of Springfield, upon the 8th of that month, and the gallant part taken by the Enrolled Missouri Militia, under the command of Brigadier-General Holland, in the defense of that point against the attack of the greatly outnumbering forces of the rebels under Marmaduke, forms a bright page in the history of our State troops.

In his annual report for the year 1864, the adjutant-general said (p. 37):

This body of our State forces, thus designated to distinguish it from other local troops in the service of the United States, and which is properly the *militia of the State*, has performed an immense amount of duty throughout the State during the past year, and has proved a valuable adjunct to the troops in the service of the United States in not only repelling invasion in force, but in suppressing the bands of guerrillas and cutthroats which, under the name of "Confederate soldiers," have, in a great measure, succeeded in their attempts to desolate Missouri.

In 1863 a concurrent resolution was passed by the Senate and House of Representatives of the State of Missouri as follows:

Resolved by the Senate (and House of Representatives concurring therein), That a committee of two (2) on the part of the senate and three (3) on the part of the house be appointed to memorialize Congress to extend to the Missouri State Militia and the Enrolled Missouri Militia the benefit of the pension laws of the United States and all other laws conferring rights and privileges upon the volunteer soldiers in the United States service.

[Laws of Missouri, adjourned session, 1863–64, p. 102.]

And in 1864 the following joint resolution was adopted:

Resolved by the general assembly of the State of Missouri, That our Senators in Congress be instructed and our Representatives be requested to prepare and support the passage of an act through the Congress of the United States to secure to the widows and orphans of deceased soldiers of the Enrolled Militia of this State who died or have been killed in actual service, and to such soldiers of the same as have been wounded in the service of the State in the present rebellion, such pension and bounty as may be allowed by the laws of Congress to the volunteer soldiers of the United States.

Approved, February 15, 1864.

[Ibid.]

It does not appear that any special legislation has been enacted by Congress for the benefit of the Enrolled Missouri Militia, except for that portion of the force known as the "Provisional Enrolled Missouri Militia" and certain companies of Citizen Guards, which classes of the Enrolled Missouri Militia will be treated in this paper under their appropriate designations. It is to be understood, however, that members of the Enrolled Militia who were disabled by wounds or injuries received in engagements with the Confederate forces while temporarily serving under the command of United States officers were entitled to the pensions provided by the general laws (sec. 4693, Revised Statutes) to militiamen disabled under such conditions of service whose claims were prosecuted to a successful issue prior to July 4, 1874.

By an act approved April 17, 1866, Congress authorized the reimbursement of the State of Missouri for moneys expended "in enrolling, equipping, subsisting, and paying such State forces as have [had] been called into service in said State since the 24th day of August, 1861, to act in concert with the United States forces in the suppression of the rebellion against the United States." (14 Stat. L., p. 38.) And under that enactment the State was reimbursed for expenses incurred in connection with the organization and service of the Enrolled Missouri Militia.

On September 28, 1878, an opinion was rendered by the Attorney-General that the Enrolled Missouri Militia "did not constitute a part of the Army of the United States, but were a force acting from time to time in cooperation with it;" "that the order disbanding such troops can not be considered the equivalent of an honorable discharge in the sense in which those words are used in section 2304, Revised Statutes;" and that the persons who served as members of the Enrolled Missouri Militia are not, therefore, entitled to the benefits accruing under the homestead laws from service in the Army of the United States. (Opinions of the Attorneys-General, Vol. XVI, p. 148.)

It will be seen from the foregoing that the Enrolled Missouri Militia was a State force, organized under the militia law of the State for State service; that portions of it served, at various times and for short periods, under United States officers, and in cooperation with United States troops in defense of the State and, incidentally, in defense of the United States; and that such portions of the force as were in active service, under proper authority, were subsisted by the United States and were paid by the State, as State troops, for which payment and the expenses of organization and service the State was reimbursed by the United States under special legislation providing therefor.

Three companies of the First Regiment and four companies of the Sixty-third Regiment were mustered into the United States service in 1864, the former to serve thirty days and the latter to serve sixty days. During the short periods mentioned these companies were in the military service of the United States,

As before stated in this paper, the Enrolled Missouri Militia numbered 85 regiments, 16 battalions, and 33 independent companies, not including the companies of Citizen Guards having the status of Enrolled Missouri Militia. It may also be stated that this enumeration does not include the Provisional Regiments and Provisional Companies formed by detail from the Enrolled Missouri Miltia.

PROVISIONAL ENROLLED MISSOURI MILITIA.

As stated in the last preceding chapter, the crisis which had called for the general arming of the people of the State had measurably passed away (Annual Report of the Adjutant-General of Missouri, 1863, p. 27), and it was decided by the governor to organize a "picked force of men," to be detailed from the different regiments of the Enrolled Missouri Militia, "for a more permanent service," to consist of those of the original force "who could most easily be spared from their ordinary avocations, having but few if any others dependent upon their labor for support." Accordingly, on the 3d of February, 1863, a letter was addressed to the commanding general of the Eighth Military District of the Enrolled Missouri Militia, as follows:

HEADQUARTERS STATE OF MISSOURI, ADJUTANT-GENERAL'S OFFICE,
St. Louis, February 3, 1863.

Brig. Gen. T. J. BARTHOLOW,
Commanding Eighth Military District of Missouri, Glasgow, Mo.

GENERAL: By direction of the Commander in Chief, you are instructed to detail from the organized force of Enrolled Militia within the Eighth Military District, for active service, 24 mounted companies, of approved loyalty and efficiency, to be provisionally commanded as follows:

First. Each company will consist of 80 noncommissioned officers and privates, with 1 captain, 1 first and 1 second lieutenant. For this special service you will divide this force into two commands of 12 companies; each command divided into 3 battalions of 4 companies each, and will assign to each command 1 colonel, 1 lieutenant-colonel, 3 majors, 1 adjutant, 1 quartermaster (who will act as commissary), 1 surgeon, and 2 assistant surgeons. And for this purpose you will detail from the regiments of your district 2 colonels, 2 lieutenant-colonels, 6 majors, 2 adjutants, 2 quartermasters, 2 surgeons, and 4 assistant surgeons, whom you know to be reliable and efficient officers for this duty.

For the purpose of regularity in reports, returns, etc., these commands will be known respectively as the First and Second Provisional Regiments of the Eighth Military District, Enrolled Missouri Militia.

As soon as these details are effected you will cause a consolidated report to be forwarded to the adjutant-general, giving the names of all commissioned officers, their rank, and from what regiments of Enrolled Militia assigned, with the total of noncommissioned officers and privates.

Duplicate muster rolls will be made of each company, showing the letter by which it is designated, as also duplicate field and staff rolls, one of each of which will be forwarded to the adjutant-general at the same time with the consolidated report. As it is designed that this force shall be kept in active service continuously as long as their service may be required, you will direct that periodical muster rolls be made in the manner prescribed by Army Regulations.

These commands, while in active service, will be governed by the rules and regulations of the United States Army and the Articles of War contained in Revised Army Regulations; and as the design of this force is to repress any attempt at insurrection and to prevent any combinations for rebellion against the Government and to maintain the laws of the State, you are enjoined to hold every officer to a rigid accountability in regard to his immediate command, and suppress at once, with a strong hand, any attempt at marauding, plundering, or insubordination of any kind. Immediately upon these details being completed you will make the necessary requisitions for clothing and camp equipage upon the quartermaster-general, who

will be instructed to fill the requisitions upon the approval of the governor. For the necessary supply of arms you will issue the arms heretofore issued to troops of your district, so far as the same may be required, taking care, as far as possible, to arm each battalion with the same caliber. It is deemed unnecessary to go further into details, as these will suggest themselves in the process of completing the commands. Great confidence is reposed by his excellency in the energy and fidelity of the general commanding in carrying out these instructions promptly, and much good will result from a hearty cooperation of the officers and men detailed for this duty.

Very respectfully, your obedient servant,

WM. D. WOOD,
Acting Adjutant-General Missouri.

[Official Records of the Union and Confederate Armies, Series 1, Vol. XXII, Part II, p. 95.]

A similar letter was addressed to each of the other commanding generals of the military districts of the Enrolled Missiouri Militia, modified in some instances as to the number of regiments and companies to be organized.

The result of these instructions was the formation of eleven regiments, denominated Provisional Regiments, Enrolled Missouri Militia, and one company of the Twenty-sixth Provisional Regiment.

One effect of the organization of these Provisional Regiments, as was intended, was the relief from duty of a large portion of the original force of Enrolled Missouri Militia, which was thereafter to be called into active service only in cases of emergency, while the Provisional Regiments were intended for "a more permanent service," or, as stated in the orders for their organization, to be "kept in service continually" as long as their services might be required. Another result, as stated by the adjutant-general of the State (Annual Report of 1863, p. 27), was that the effectiveness of the militia was "greatly increased, for, although the number of men in service was in the aggregate fewer, still that loss would be more than counterbalanced by the degree of discipline which could be obtained in a permanent organization, so to speak, commanded by judiciously selected officers."

To prevent the organization of disloyal men into companies of the Provisional Enrolled Missouri Militia an order was issued from State headquarters, February 19, 1863, which has been quoted under the title of "Enrolled Missouri Militia."

On May 29, 1863, in orders from headquarters State of Missouri, the command of the Enrolled Missouri Militia then in actual service, including the Provisional Regiments, was conferred upon Major-General Schofield, commanding the Department of the Missouri, and, in General Orders, No. 47, of June 7, 1863, from department headquarters, it was announced that, under authority from the War Department, clothing, camp and garrison equipage, and medical supplies would be furnished by the United States to the Enrolled Missouri Militia (including the Provisional Regiments) in active service.

On September 26, 1863, all of the militia of the State, whether in active service or not, was placed by the governor under the command of General Schofield, as military commander of the Department of the Missouri, who, on September 28, announced the following:

GENERAL ORDERS, No. 102. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, Mo., September 28, 1863.*

* * * * * * *

Militia in active service are placed on the same footing as United States troops, so far as regards their duties and subordination to the district or subordinate com-

manders under whom they may be serving; but no militia officer will be placed under command of a United States officer of a lower grade.

* * * * * * *

The following regiments of Enrolled Missouri Militia are now in active service, viz: First Provisional Regiment, Col. J. B. Douglass, commanding; Second Provisional Regiment, Lieutenant-Colonel Harrison, commanding; Third Provisional Regiment, Col. Bennett Pike, commanding; Fourth Provisional Regiment, Col. J. B. Hale, commanding; Fifth Provisional Regiment, Col. Henry Neill, commanding; Sixth Provisional Regiment, Col. Henry Sheppard, commanding; Seventh Provisional Regiment, Col. J. D. Allen, commanding; Eighth Provisional Regiment, Col. Wm. H. McLane, commanding; Ninth Provisional Regiment, Col. Thos. L. Crawford, commanding; Twenty-sixth Provisional Regiment, one company, Captain Kelly, commanding.

* * * * * * *

By order of Major-General Schofield:

C. W. Marsh,
Assistant Adjutant-General.

On January 30, 1864, Maj. Gen. W. S. Rosecrans assumed command of the Department of the Missouri, and on February 2, 1864, he was invested with the command of the militia of the State.

The Tenth and Eleventh Provisional Regiments were disbanded pursuant to special orders from State headquarters, dated September 18, 1863, of which the following is a copy:

Special Orders, No. 255. } Headquarters Department of the Missouri, *St. Louis, September 18, 1863.*

* * * * * * *

5. The emergency for which the Tenth and Eleventh Provisional Regiments, Enrolled Missouri Militia, were called into active service having passed, they will be discharged from further service, except the mutineers of the Eleventh Regiment, who will be confined at hard labor until further orders.

6. The leading mutineers of the Eleventh Provisional Regiment, Enrolled Missouri Militia, to be selected by the commanding officer of the regiment, will be confined in the military prison and tried by general court-martial. All others engaged in the mutiny will be sent under guard to Rolla, Mo., where they will be confined at hard labor until further orders.

* * * * * * *

By command of Major-General Schofield:

Frank Eno,
Assistant Adjutant-General.

[Book No. 94, Department of the Missouri, p. 69.]

On May 8, 1864, as reported by General Rosecrans, then commanding the Department of the Missouri, but thirty-five companies of the Provisional Regiments remained in service. Of these thirty-five companies, two regiments, the Sixth and Seventh, were mustered into the military service of the United States for the period of twenty months from November 1, 1863, and were finally designated the Sixteenth and Fifteenth Regiments Missouri Cavalry, respectively. The date of the disbandment of the remaining companies has not been found of record. As reported by the adjutant-general of the State (Annual Report of 1865, p. 43), the Enrolled Missouri Militia, which embraced the Provisional Regiments, if any, then in service, was disbanded March 12, 1865, under the provisions of section 26 of an act of the State legislature, approved February 10, 1865, quoted in the preceding chapter. However, as also stated by the adjutant-general, "but few companies remained in active service up to the time of disbandment, and they were chiefly those organized under General Orders, No. 107, Department of the Missouri, series of 1864," hereafter to be referred to.

The objects of the organization of the Provisional Regiments, as

stated in the orders for their formation, quoted above, were: (1) "To repress any attempt at insurrection;" (2) "To prevent any combinations for rebellion against the Government;" and (3) "To maintain the *laws of the State*." The italicized words just quoted were emphasized by the adjutant-general of the State in his annual report for the year 1863. Other reasons for the organization of the Provisional Regiments, as already shown, were: (1) The crisis which called for a general arming of the people had passed; (2) a reduced force under the new plan of organization would be as effective as a larger force not subject to the same degree of discipline; (3) a large portion of the original force would be relieved from active service.

Reports and orders relative to the character and services of the Enrolled Missouri Militia, either directly or indirectly applicable to the Provisional Regiments, have already been quoted in this paper under the head of "Enrolled Missouri Militia." The following additional mention by General Schofield of the Provisional Regiments is here given as pertaining exclusively to the history of those organizations:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., December 10, 1863.

Col. E. D. TOWNSEND, *Assistant Adjutant-General, Washington, D. C.*

COLONEL: I have the honor to submit a general summary of military operations in this department since the 24th of May, 1863, when I assumed this command.

* * * * * * *

In addition to the above, the governor of Missouri had commenced the organization of nine regiments of militia, styled "Provisional Regiments," intended for continuous active service. A portion of this militia had been in active service for a considerable length of time, but not under the orders of the department commander, and not acting in concert with the United States troops. At my suggestion the governor placed these nine regiments under my command, whereupon the War Department gave me authority to supply them with everything necessary to their efficiency, and they became a real addition to the effective force in the department.

* * * * * * *

I have the honor to be, very respectfully, your obedient servant,

J. M. SCHOFIELD, *Major-General.*

[Official Records of the Union and Confederate Armies, Series I, Vol. XXII, Part I, pp. 12, 13.]

The members of the Provisional Regiments Enrolled Missouri Militia, organized under the authority of the governor of the State of February 3, 1863, were (officers and enlisted men) simply detailed from the regiments of Enrolled Missouri Militia, and their military status was precisely the same as that of the original force. They were Missouri militia organized under the militia law of the State for State service, were paid by the State, and while on duty under the command of United States officers were clothed and subsisted by the United States. Like the original force, they served in defense of the State of Missouri and incidentally in defense of the United States. But their service was of a more permanent character than that of the regiments from which they were detailed, and probably for that reason a pensionable status was given them which was not extended to members of the original organization who were not detailed for membership of the Provisional Regiments. Like the Missouri State Militia organized under the provisions of War Department General Orders, No. 96, of 1861, the surviving officers and enlisted men of the Provisional Regiments, and the heirs of those deceased, acquired a pensionable status under the general law by a provision of section 8

of the act of March 3, 1873, entitled "An act to revise, consolidate, and amend the laws relating to pensions." The clause referred to reads as follows:

SEC. 8. * * * That the provisions of this act are hereby extended to and made to embrace the officers and privates of the * * * and the Provisional Missouri Militia, disabled by reason of injury received or disease contracted in the line of duty while such militia was cooperating with United States forces, and the widow or children of any such person dying of injury received or disease contracted under the circumstances herein set forth shall be entitled to the benefits of this act: *Provided*, That the pensions on account of such militia shall not commence prior to the date of the passage of this act. That the provisions of this section shall be so interpreted as to apply to the widows, child, or children of officers and privates of the * * * and the Provisional Missouri Militia, if the husband or father was wounded or contracted the disease of which he died while in the service of the Government of the United States.

* * * * * * *

Approved, March 3, 1873.

[17 Stat. L., pp. 569, 570.]

The provisions of the pension act of June 27, 1890, were subsequently extended to the members of the Provisional Regiments and their representatives by a joint resolution approved February 15, 1895, of which the following is an extract:

JOINT RESOLUTION to restore the status of the Missouri Militia who served during the late war.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act of June twenty-seventh, eighteen hundred and ninety, be, and are hereby, extended to include the officers and privates of the * * * and the Provisional Missouri Militia who served ninety days during the late war of the rebellion and were honorably discharged, and to the widows and minor children of such persons. The provisions of this act shall include all such persons now on the pension rolls, or who may hereafter apply to be admitted thereto.

Approved, February 15, 1895.

[28 Stat. L., p. 970.]

With the exception of the Sixth and Seventh Regiments, whose muster into the United States service has been referred to, none of the Provisional Regiments of Enrolled Missouri Militia was in the military service of the United States.

As already stated, the Provisional Enrolled Missouri Militia numbered eleven regiments and one company.

PROVISIONAL ENROLLED MILITIA.

The "Provisional Enrolled Militia," or "Provisional Companies of Enrolled Missouri Militia," as the organizations of this force are designated by the adjutant-general of the State in his official reports, was entirely separate and distinct from the "Provisional Enrolled Missouri Militia" referred to in the preceding chapter.

The Provisional Enrolled Militia was organized under General Orders No. 107, headquarters Department of the Missouri, dated June 28, 1864, of which the following is a copy:

GENERAL ORDERS, No. 107. } HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, Mo., June 28, 1864.*

People of Missouri:

For several months I have been carefully considering your situation, influenced by a due sense of the responsibility of my position and a sincere desire for your welfare.

With a great and populous State, a fertile soil, vast mineral wealth, supplied with outlets by water and railroad for all your productions, no actual war within your borders for the last two years, and yet plundering, robbery, and arson have prevailed everywhere to a certain extent, except at points garrisoned by troops and some few strictly loyal sections of the State.

Daily appeals come to me from all quarters, invoking protection for persons, property, industry and its fruits, accompanied by assurances from all, without regard to political or sectional sympathies, that the great mass of the people are ready and willing to unite for the preservation of the public peace against those who, in violation of every law of war and humanity, under the title of Confederate soldiers, guerrillas, and bushwhackers, invade, plunder, and murder the peaceful inhabitants of your State.

With this condition of things in view, being fully determined as far as possible to restore civil law and order, and persuaded that you have the intelligence and public spirit to see that the question whether you will have a government of law and order or one of brute force is before you to be met, and that you are ready to forego all party considerations to cooperate with the military authorities for the purpose of securing protection, I have determined upon the following measures:

First. You are requested immediately, by public meetings in townships or counties, to unite in saying whether you will take the ground above indicated or not; and nonaction will be considered as a refusal to aid in the work of peace and protection. Township committees of public safety, composed of three of the most discreet citizens, in whom all will have confidence, should be chosen at these meetings, to correspond with a committee of five similarly selected in each county, who will correspond with the local district commanders, and through them with department commanders, as often as necessary, giving them such advice and information as may be useful against the public and private enemies of your peace and safety.

By agreement with the governor of this State, you will choose and organize, out of the Enrolled State Militia of your locality, one or two companies of about 100 men each, selected for courage, energy, and willingness to serve for the protection of your respective counties.

They ought to be so chosen as to command the confidence of citizens generally, without regard to party, and the best officers selected and recommended by the proper Enrolled Militia colonels and brigadier-generals of the districts in which they belong, approved by the United States district commander, who will forward these names and the rolls of the men to his excellency the governor, through these

headquarters, as soon as possible, upon which commissions and orders will be issued from the State headquarters for arming, equipping, and calling the men into service, so far as may be deemed necessary for the ends of local defense.

Such organizations will be paid by the State when actually on duty, but in all cases they must be on duty with the approval of the governor to receive pay.

In organizing these forces and in all local measures for active defense after organization, the district commanders of this department and the brigadier-generals of the various districts of the Enrolled Missouri Militia are desired to cooperate and consult constantly and freely.

I confidently rely upon all good men in the State to unite in this movement in behalf of humanity and for the protection of life and property. I am fully persuaded if you do so unite with zeal, energy, and in good faith a short time will restore a state of profound quiet within your now distracted borders.

W. S. ROSECRANS,
Major-General, Commanding.

District commanders are charged with the prompt publication of this order, so far as practicable, to every citizen resident within the limits of their commands and will afford all necessary aid and protection to the meetings which may be called.

By command of Major-General Rosecrans:

O. D. GREENE,
Assistant Adjutant-General.

In his address to "Missourians," in General Orders, No. 134, of July 28, 1864, General Rosecrans said:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., July 28, 1864.

GENERAL ORDERS, }
No. 134. }

Missourians:

* * * * * * *

To enable you to cope with small roving squads of guerrillas, the commanding general urged you, in General Orders, No. 107, to organize and select trustworthy companies of your citizens, to be armed and empowered to act as Provisional Enrolled Militia for local defense, and trusts you will complete the rolls, carefully revise and submit them, through the channels prescribed, for his approval, without delay.

* * * * * * *

By command of Major-General Rosecrans:

O. D. GREENE,
Assistant Adjutant-General.

And in General Orders, No. 192, of October 9, 1864, General Rosecrans referred to General Orders, No. 107, as "having been promulgated to provide for local defense against bands of bushwhackers and other disturbers of the public peace, and for the maintenance of law and order more effectually than could be done by calling out the Enrolled Militia, as well as to engage all good citizens in the work."

Sixty-two companies of Provisional Enrolled Militia were organized under the provisions of General Orders, No. 107, quoted above. But little information has been obtained relative to their service, but from data filed in the office of the Commissioner of Pensions it appears that some of these Provisional Companies "were brought into active service and sustained heavy losses outside of the counties to which they belonged." (Digest of Pension Laws, Decisions, etc., 1885, p. 309.) Some of them are known to have "remained in active service" until March 12, 1865, when they were disbanded under the provisions of the act of the Missouri legislature, approved February 10, 1865. (Annual Report Adjutant-General of Missouri, 1865, p. 43.)

As required by the order for their organization, the members of the Provisional Companies of Enrolled Missouri Militia were chosen "out of the Enrolled State Militia," but as appears from the annual report

of the adjutant-general of the State for the year 1864 (page 372) the companies were "organized both by volunteering and detail." The object of their organization is clearly shown. They were organized for local and temporary service, in their "respective counties," for protection against the outrages of guerrilla bands, were to be armed and equipped by the State, and were to be paid by the State, "when actually on duty, * * * with the approval of the governor." Their military status did not differ in any essential respect from that of other bodies of the Enrolled Missouri Militia in the State service. They were not in the military service of the United States.

It has been decided by the Interior Department that the members of these local companies are not of the class of Provisional Missouri Militia to which a pensionable status was given by section 8 of the act of March 3, 1873 (section 4722, Revised Statutes), and the joint resolution of February 15, 1895. (Decisions of the Department of the Interior, Pension and Bounty Land, Vol. VIII, pp. 518–530.) In this respect they differ from the Provisional Regiments, Enrolled Missouri Militia, which were organized for a more permanent service.

As before stated, the Provisional Enrolled Militia numbered sixty-two companies.

MISSOURI MILITIA, ORGANIZED UNDER AUTHORITY OF STATE GENERAL ORDERS, NO. 3, OF JANUARY 30, 1865.

The Enrolled Missouri Militia was disbanded March 12, 1865, under the provisions of section 26 of the State militia act approved February 10, 1865. This section reads as follows:

SEC. 26. All organizations of the Enrolled Missouri Militia shall cease to exist on the expiration of thirty days after the approval of this act, and the commissions of all officers of the Enrolled Missouri Militia, including all commissions issued to persons on the staff of the governor, prior to January 1, 1865, shall be deemed to be vacated on that day.

[Annual Report Adjutant-General of Missouri, 1865, p. 43.]

In anticipation of the passage of this act and the consequent retirement from active service of the Enrolled Missouri Militia, and also because of the approaching muster out of the Missouri State Militia, measures were taken by Major-General Dodge, then commanding the Department of the Missouri, in cooperation with the State authorities, to replace these troops by a body of men who, as stated by the adjutant-general of the State in his annual report of 1865 (p. 52), "would be more effective and available, and at the same time less expensive to the State."

On January 7, 1865, General Dodge addressed the governor of the State on the necessity for a new organization of the militia, suggesting the formation of companies in certain counties. Following is a copy of his letter:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., January 7, 1865.

His Excellency THOMAS C. FLETCHER,
Governor of Missouri.

GOVERNOR: I think we should, as early as possible, get an organization in all the disloyal counties, especially in those bordering on the Missouri River. If the legislature passes a bill with no exemption clause and classifies the enrollment, say we call out, arm, and equip the first class, and put 100 men on duty in each of the above-mentioned counties under experienced, tried, and undoubtedly loyal men; get the start of all guerrillas, etc. By this means the running from one county to another by these bands will be prevented. The Government can, I understand, feed these men. Let the counties pay them. It is no more than right that the disloyal counties should pay for their own protection, and this would do away with all complaint as to pay. The district commander could have these men under his command, and, if necessary, we could place subdistrict commanders over them from some of our old regiments. As soon as you adopt the plan for a militia bill I will put the district commanders to work to organize these companies and hold all loyal men in these counties. Above all things get, if possible, in the counties referred to, old soldiers for commanders—men who have been tried and in regard to whose standing there can be no doubts. It seems to me we ought to have 100 men on duty in each of the

counties on the Missouri River within the next sixty days. There are a large number of officers returning from Sherman's army who could be used to good advantage in this work. Let me hear from you.

Very respectfully, sir, your obedient servant,

G. M. DODGE, *Major-General.*

[Official Records of the Union and Confederate Armies, Series I, Vol. XLVIII, Part I, p. 449.]

The conditions existing in Missouri at this time, and especially in the northern counties, were discussed in a correspondence of which the following is a copy:

EXECUTIVE MANSION,
Washington, January 15, 1865.

Major-General DODGE,
St. Louis, Mo.:

It is represented to me that there is so much irregular violence in northern Missouri as to be driving away the people and almost depopulating it. Please gather information, and consider whether an appeal to the people there to go to their homes and let one another alone, recognizing as a full right of protection for each that he lets others alone, and barring only him who refuses to let others alone, may not enable you to withdraw the troops—their presence itself a cause of irritation and constant apprehension—and thus restore peace and quiet and returning prosperity. Please consider this, and telegraph or write me.

A. LINCOLN.

[Ibid., p. 535.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, January 15, 1865.

Governor FLETCHER,
Jefferson City:

President Lincoln telegraphs me that it is represented to him that there is much irregular violence in northern Missouri. That on account of this it is being almost depopulated, and suggests the propriety of withdrawing the troops and calling upon the citizens to return, and recognizing as a full right to each that he let the other alone. Do you believe any such policy would have the desired effect? I have not heard of many cases that he speaks of. Consider this private and answer by telegraph.

G. M. DODGE, *Major-General.*

[Ibid., p. 535.]

JEFFERSON CITY, *January 16, 1865*

Maj. Gen. G. M. DODGE:

I have heard of some Union men being killed in north Missouri and of some rebels moving away. No Union man wants the troops withdrawn from here. The Union men will return and be organized under new military law and can then defend themselves. I will consent to no bargains with rebels. All we want is discipline in the troops we have and those to be organized. I do not believe the policy mentioned by you would have any good effect, and think it has been suggested by the same men who have been compromising with the enemy since the war began. I had hoped the President would not listen to their counsels again.

THOS. C. FLETCHER,
Governor of Missouri.

[Ibid., p. 547.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., January 16, 1865.

Hon. ABRAHAM LINCOLN,
President of the United States, Washington, D. C.

DEAR SIR: I have the honor to acknowledge the receipt of your telegram of the 15th instant. Since I assumed command here the troubles in north Missouri have increased, from the fact that the troops that were in those counties infested by guerrilla bands were nearly all withdrawn by me to send to General Thomas, but there is no doubt that this country is now more quiet than it has been before for three years. Where these troubles exist the people are to a great extent disloyal, and it is the protection, aid, and sympathy that they give to the enemy and to out-

laws that causes these troubles. One class (the disloyal) desires all troops withdrawn, while the other (the loyal men) petition to have more sent. The fact is that unless troops are kept in the Missouri River counties no loyal people can live there. I have consulted with Governor Fletcher in relation to this matter, and so far as possible we have endeavored to quiet these troubles. Three thousand men left these counties and joined Price last fall. Many of them are now sneaking back and going into the bush to operate. The people who are leaving are mostly those whose friends are in the rebel army, or whose sympathies are with the rebels, and those who expect to be disfranchised, and who have but very little, if any, sympathy with our Government. They do not leave on account of depredations committed upon them by the troops, but through fear of action of the State convention. I believe most of the loyal men, and those who have determined to become loyal, are determined to stay. Those of them that do go flee from guerrillas, which no order or proclamation would reach. The bushwhackers can only be put down and kept down by holding the citizens who aid, feed, and harbor them responsible. Loyal local organizations I consider the best troops to keep these outlaws under, and I had settled in my own mind upon the policy to pursue, viz: As soon as the State legislature passes the new militia bill, to raise under it 100 men from each of these disloyal counties, place them under competent and reliable officers, citizens of the State who have seen service. Let the Government arm, equip, and feed them, and the counties pay them. Place one of these companies on duty in each of the disloyal counties where these troubles exist; withdraw therefrom the United States volunteers, and call upon the citizens to support and aid these organizations. To a great extent they will cheerfully do it. Those who will not, and who persist in giving aid to bushwhackers, to be sent out of the department. I have issued stringent orders to all the troops in regard to committing depredations and acts through personal enmity, and good effects are hereby being produced. I hear of but very few depredaitons by troops recently, but bushwhackers are robbing and murdering in many places. During the winter it is to the interest of these outlaws and their friends to keep our troops away. As soon as spring comes they expect to obtain reenforcements from the South, and even from the loyal States, where many have gone to winter, and who, when the leaves come, will all return. What troops I have are kept very active, and they are doing good work in the way of breaking up guerrillas and marauding bands. The troops in north Missouri are nearly all Missouri State Militia, whose term of service is fast expiring. Their discipline has been very lax, and on account of the defective nature of that organization, they have not been efficient. I have taken measures to hold the officers responsible for the discipline and acts of these troops. I do believe that the system of local organization that I intend to inaugurate will prove effective for the special reason that we will have the selection of the officers, and most of them will be old, tried, and experienced soldiers, fully imbued with the right sentiment, and feeling a personal interest in restoring law and order. Allow me to assure you that the course you propose would be protested against by the State authorities, the legislature, the convention, and by nearly every loyal man in north Missouri, while it would receive the sanction of nearly every disloyal, semiloyal, and noncommittal person there. All such could, under that course, live, and would would want to stay in that country, while every loyal man would have to leave those counties where the disloyal sentiment is in the ascendency. I take it that the only sure road to peace in this State is through the aid and support of its undoubtedly loyal population, and with the organization I speak of I am satisfied I can restore and maintain quiet in north Missouri. It is my wish and earnest endeavor to have every person in the State and elsewhere to come up firmly to the support of the Government, no matter what their antecedents are, and I have in my orders and instructions to my troops commanded them to give all encouragement, aid, and protection in their power to any and every person who shows an honest and earnest desire and intention to support the Government, and assist in putting down guerrilla warfare. I herewith inclose my Order, No. 7,[a] which embodies some of the views in your dispatch, and which will receive the cordial indorsement and cheerful support of every person in the State who is not aiding and abetting the bushwhackers, or who are so disloyal that they would not agree to or approve of anything issued by a Federal officer.

I have the honor to be, sir, very respectfully, your obedient servant,

G. M. Dodge,
Major-General.

[Ibid., p. 546.]

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[a] This order does not relate to the organization of troops and is not, therefore, re reproduced.

On January 23, 1865, General Dodge requested of the governor the organization of thirty-one companies for service in certain counties and localities. Following is a copy of his letter of that date:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., January 23, 1865.

THOMAS C. FLETCHER,
Governor of Missouri.

GOVERNOR: I respectfully request that companies of militia be raised by volunteers from such classes as you deem best for service in each of the following counties:

Mounted: One company for Warren and Montgomery; one company for Callaway and Audrain; one company for Boone; one company for Ralls, Monroe, and Marion; one company to be raised at Hannibal; one company for Howard; one company for Randolph; one company for Chariton; one company for Carroll and Livingston, to be stationed in Carroll; one company for Ray and Caldwell, to be stationed in Ray; one company for Clay and Clinton, to be stationed in Clay; one company for Platte; one company for Jackson; one company for La Fayette; one company for Saline; one company for Cooper and Moniteau; one company for Osage and Maries; one company for Stoddard; one company for Johnson; one company for Pettis; one company for Morgan; one company for Mississippi; one company for Scott; one company for Perry, one company for New Madrid; one company for Cape Girardeau; one company for Sainte Genevieve.

Infantry: One company for bridge on Pacific Railroad; one company for bridge on Southwest Branch [Pacific] Railroad; one company for bridge on Iron Mountain Railroad; one company for bridge on North Missouri Railroad.

As soon as raised to be turned over to the subdistrict commanders for the respective counties. I will order them subsisted as soon as they rendezvous. I most earnestly request that none but experienced officers and also old soldiers be placed at the head of these organizations—men who will enforce orders and maintain strict discipline. The Government will issue clothing, forage, arms, and equipments (when the State has not sufficient arms and equipments to supply them, already issued to the Enrolled Missouri Militia) upon proper requisitions. I deem it important that this force be put in the field within the next thirty days.

I am, governor, very respectfully, your obedient servant,

G. M. DODGE,
Major-General.

[Ibid., p. 620.]

Governor Fletcher promptly responded to this request by the issue of General Orders, No. 3, from State headquarters, dated January 30, 1865, of which the following is a copy:

GENERAL ORDERS, No. 3.

HEADQUARTERS STATE OF MISSOURI,
ADJUTANT-GENERAL'S OFFICE,
St. Louis, January 30, 1865.

1. At the request of Maj. Gen. G. M. Dodge, commanding Department of the Missouri, and for the purpose of repressing lawlessness and to secure safety of life and property to all good citizens, and to strengthen the hands of legal justice, by enabling the officers of the law to execute its processes and judgments, it is ordered that the following companies of militia be raised by volunteering for a term of service not to exceed one year.

TO BE MOUNTED.

One company for Warren and Montgomery; 1 company for Callaway and Audrain; 1 company for Boone; 1 company for Ralls, Monroe, and Marion, to be raised at Hannibal; 1 company for Howard; 1 company for Randolph; 1 company for Chariton; 1 company for Carroll and Livingston, to be stationed in Carroll; 1 company for Ray and Caldwell, to be stationed in Ray; 1 company for Clay and Clinton, to be stationed in Clay; 1 company for Platte; 1 company for Jackson; 1 company for La Fayette; 1 company for Saline; 1 company for Cooper and Moniteau; 1 company for Osage and Maries; 1 company for Stoddard; 1 company for Johnson; 1 company for Pettis; 1 company for Morgan; 1 company for Mississippi; 1 company for Scott 1 company for Perry; 1 company for New Madrid.

INFANTRY.

One company for Cape Girardeau; 1 company for Sainte Genevieve; 1 company for bridges on Pacific Railroad; 1 company for bridges on Southwestern Pacific Railroad; 1 company for bridges on North Missouri Railroad.

II. These companies will be turned over to the United States subdistrict commanders for their respective counties, as soon as they are fully organized. They will be clothed and subsisted by the General Government, and armed, equipped, and paid by the State, as provided in the new militia bill, but in case the State is unable to supply sufficient arms and equipments, they will then be furnished by the United States on proper requisition. As soon as the troops are in the rendezvous, orders will be issued by the department commander for their subsistence.

III. It is desired that the officers to be appointed to command this force should be men who have had experience in the field; and all applications for authority to raise said companies and for commissions in the same will be made through the department commander, forwarded through headquarters of district and subdistrict commanders, and upon his approval authority will be granted and commissions will be issued.

IV. The companies will consist of not less than the minimum number of officers, noncommissioned officers, and privates as provided by regulations for like organizations in the United States service; and not more than the maximum thereof, viz:

One captain, 1 first lieutenant, 1 second lieutenant, 5 sergeants, 8 corporals, 1 wagoner, 2 musicians, 64 privates minimum, 82 privates maximum.

The necessities of the service require that the companies should be placed in the field at an early date—the time thereof for their completion is limited to the 28th proximo.

By order of the Commander in Chief:

SAMUEL P. SIMPSON, *Adjutant-General.*

[Annual Report Adjutant-General of Missouri, 1865, p. 53.]

It will be observed that the foregoing order provided for the organization of two companies less than the number requested by General Dodge, but as the muster out of the Missouri State Militia progressed and additional companies were found necessary, authority for their recruitment was given.

Notwithstanding that they were militia of the State of Missouri, the recruitment and organization of these companies were placed in the hands of United States officers. This was done in general orders from headquarters of the Department of the Missouri, dated February 1, 1865, of which the following is a copy:

GENERAL ORDERS, No. 28. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, Mo., February 1, 1865.*

District or subdistrict commanders will detail a line officer to take charge of the recruiting of each of the companies called for by Governor Thomas C. Fletcher, in General Orders, No. 3, from headquarters State of Missouri (Adjutant-General's Office) for the respective counties in their commands.

Officers most noted for efficiency and good discipline will be selected for this duty. They will remain in charge until they are relieved by officers commissioned by the governor to command these companies, and great effort will be made by them to fill the companies immediately, and to secure in them the services of as many honorably discharged soldiers from United States Volunteers and Missouri State Militia who have seen actual service, as possible.

The commissary department will, upon proper requisitions, issue rations to men recruited for these companies. As soon as sworn into the service by officers designated by district commanders, they will be furnished clothing and such other articles as are allowed by the quartermaster's department.

Requisitions for arms and equipments will be made upon the State authorities, who, when they have them in store, or in the hands of the Enrolled Missouri Militia, will supply them. When they can not meet these requisitions they will so indorse upon them, and the ordnance officer of the district or department will fill the requisition from arms and equipments turned over by the Missouri State Militia whose term of service has expired.

As soon as a sufficient number of men are recruited for a company to entitle them to a commissioned officer, as provided by General Orders, No. 61, War Department (Adjutant-General's Office), series of 1861, they will be placed on duty.

Commanding officers of these companies will make, through subdistrict commanders, all reports required by Army Regulations and existing orders.

These companies will act solely under the orders of subdistrict, district, or department commanders, as the exigencies of the service may require, and their officers will be held to a strict personal accountability for the discipline, drill, and efficiency of the men, and for unauthorized depredations of any kind committed by them.

All efficient officers of United States Volunteers or Missouri State Militia whose term of service is expiring or who have been honorably discharged or mustered out, and who desire commissions in these companies, will make immediate application therefor through the proper channels, and subdistrict and district commanders will indorse their approval or disapproval, from their knowledge or information, stating the services of the applicant, his qualifications, and ability to command implicit obedience from his men, and the reputation of his former company for discipline. The indorsement of the district inspector as to the latter, if the applicant has served in the district, will be required.

District and subdistrict commanders have control of the organization of these companies, and will give them proper attention and see that they are placed upon an efficient footing in all respects.

By command of Major-General Dodge:

J. W. Barnes,
Assistant Adjutant-General.

On February 5, 1865, instructions were given to the commanding officer of the District of Rolla as follows:

Headquarters Department of the Missouri,
St. Louis, February 5, 1865.

Commanding Officer District of Rolla, Mo.

Sir: Your attention is called to the orders of the governor of the State and from these headquarters in relation to raising volunteer militia for service in certain counties. In recommending officers great care must be observed and none recommended except they are of good character, habits, etc., and good disciplinarians. The frequent unauthorized depredations committed by troops must be stopped, and in the organization of these companies we must put men at the head of them who can and will control their men. Officers will be held strictly accountable for all unauthorized depredations committed by their men, no matter upon whom committed. If you have good officers under you in the Missouri State Militia whose term of service is about expiring, and who desire to take command in some of these companies, they can be assigned to duty in recruiting them, and applications can be made for their commissions. Old soldiers will, as far as possible, be selected in recommending for commissions. The men as fast as recruited will be rendezvoused at such point in the county as you may designate. They will be armed as provided in General Orders, No. 28, current series, from these headquarters. All their spare time will be occupied in drilling and perfecting themselves as soldiers. You will report weekly the progress made in the district and subdistricts in organizing these companies.

By command of Major-General Dodge:

J. W. Barnes,
Assistant Adjutant-General.

[Official records of the Union and Confederate Armies, Series I, Vol. XLVIII, Part I, p. 750.]

It will be observed that these companies were organized for active service, under United States officers, "for the purpose of repressing lawlessness and to secure safety of life and property to all good citizens, and to strengthen the hands of legal justice by enabling the officers of the law to execute its processes and judgments," that they were to be clothed and subsisted by the General Government and armed, equipped, and paid by the State, any deficiency in arms or equipments to be supplied by the United States; and that their officers

were to be commissioned by the governor of the State upon the recommendation of the commanding general of the Department of the Missouri.

Detailed reports of their operations are lacking, but it is known that they remained on duty from the time of their organization until relieved, in June and July, 1865, under orders from the department commander, and, as reported by the adjutant-general of the State (annual report of 1865, p. 700), "they were generally engaged in guarding posts and lines of communication, doing escort duty and hunting guerrillas and bushwhackers." They are, according to the same authority, "deserving of the thanks of all well-disposed and loyal citizens for their prompt suppression of lawlessness which had been so fearfully prevalent throughout the State."

The status of these troops was that of militia of the State of Missouri, which, though serving under United States officers, was not accepted into the military service of the United States. The State was reimbursed under the act of April 17, 1866 (14 Stat. L., p. 38), for the expenses incurred in their organization and service.

The adjutant-general of the State reports that fifty-eight companies were "placed in the field," but upon investigation sixty-one companies have been identified as having had an organized existence under the provisions of State General Orders, No. 3 "and the extensions thereof."

MISSOURI MILITIA, ORGANIZED UNDER AN ORDINANCE OF THE STATE CONVENTION, DATED APRIL 8, 1865.

The Missouri militia act of February 10, 1865, required an immediate enrollment of all of the militia of the State, and an ordinance of the State convention, adopted April 8, 1865, required that as soon as enrolled the militia should be organized into "platoons, companies, regiments, and brigades."

The work of organization was prosecuted with such success that at the close of the year 1865 there were organized or in process of organization eighty-four regiments and six battalions. It does not appear, however, that any portion of this militia force was called into active service, either of the State or the United States, during the civil war.

UNITED STATES RESERVE CORPS, THREE MONTHS' SERVICE.

On April 30, 1861, while Captain Lyon was engaged in the organization of the Missouri militia under the President's call of April 15, 1861, he was directed by the President to enroll in the military service of the United States the loyal citizens of St. Louis and vicinity, not exceeding, with those before enlisted, 10,000 men, for the purpose of maintaining the authority of the United States and for the protection of the peaceable inhabitants of the State of Missouri, and, if necessary, to proclaim martial law in the city of St. Louis. This additional force was to be discharged, in whole or in part, as soon as there should appear to Captain Lyon and his advisers to be no danger of an attempt of the enemy to take possession of the city of St. Louis, or to put the city under the control of a combination hostile to the Government of the United States. Following is a copy of his instructions:

WAR DEPARTMENT, *April 30, 1861.*

Capt. NATHANIEL LYON,
Commanding Department of the West.

SIR: The President of the United States directs that you enroll in the military service of the United States the loyal citizens of St. Louis and vicinity, not exceeding, with those heretofore enlisted, 10,000 in number, for the purpose of maintaining the authority of the United States; for the protection of the peaceable inhabitants of Missouri; and you will, if deemed necessary for that purpose by yourself and by Messrs. Oliver T. Filly, John How, James O. Broadhead, Samuel T. Glover, J. Wilzie, and Francis P. Blair, jr., proclaim martial law in the city of St. Louis.

The additional force hereby authorized shall be discharged, in part or in whole, if enlisted, as soon as it appears to you and the gentlemen above named that there is no danger of an attempt on the part of the enemies of the Government to take military possession of the city of St. Louis, or put the city in the control of a combination against the Government of the United States; and while such additional force remains in the service the same shall be governed by the Rules and Articles of War, and such special regulations as you may prescribe. I shall like the force heretofore directed to be enrolled to be under your command.

The arms and other military stores in the St. Louis Arsenal not needed for the forces of the United States in Missouri must be removed to Springfield, or some other safe place of deposit in the State of Illinois, as speedily as practicable, by the ordnance officer in charge at St. Louis.

[Indorsements.]

It is revolutionary times and therefore I do not object to the irregularity of this.

W. S. [WINFIELD SCOTT.]

Approved, April 30, 1861.

A. LINCOLN.

Colonel Thomas will make this order.

SIMON CAMERON, *Secretary of War.*

[Official Records of the Union and Confederate Armies, Series I, Vol. I, p. 675.]

Under this authority Captain Lyon at once proceeded to the organization of the military force designated by him the United States Reserve Corps, Missouri Volunteers. This force, consisting of five regiments of infantry and one company of cavalry, was completed within a few days and was mustered into the military service of the United States to serve three months. The company and regimental officers were elected and were mustered into service without commissions. Capt. T. W. Sweeny, Second United States Infantry, was elected brigadier-general, and on May 20, 1861, was assigned to the command of the brigade in an order of which the following is a copy:

SPECIAL ORDERS, No. 62. HEADQUARTERS DEPARTMENT OF THE WEST, *St. Louis, Mo., May 20, 1861.*

Capt. T. W. Sweeny, Second Infantry, is assigned to the command of the United States Reserve Corps raised in the city of St. Louis, to which corps the company of recruits now under the charge of Captain Sweeny is attached for guard duty.

By order of Brigadier-General Harney:

S. WILLIAMS, *Assistant Adjutant-General.*

[Book No. 87, Departments of the West and Western, p. 296.]

Captain Sweeny assumed command of the United States Reserve Corps on May 22, 1861, and on May 28, 1861, he announced the officers of his staff. On June 1, 1861, General Lyon reported to the War Department as follows:

ST. LOUIS ARSENAL, *June 1, 1861.*

Brig. Gen. L. THOMAS,
Adjutant-General, Washington.

SIR: On the 15th ultimo I had the honor to inclose to you an official copy of an order issued by me, announcing my appointment of several officers upon the volunteer brigade staff of the First Brigade, Missouri Three Months' Volunteers, which appointments, in the absence of instructions upon the subject, were made by me in accordance with the laws of the State of Missouri, and referred to the Department for its action.

I have now the honor to inclose an order issued by Capt. T. W. Sweeny, Second Infantry, under similar circumstances, he having been elected brigadier-general of the United States Reserve Corps of Missouri Volunteers and assigned to that command by Brigadier-General Harney, late commander of the Department of the West, as heretofore reported.

I would respectfully remark, in connection with this subject, that these officers would have been commissioned by the governor of this State under these appointments and with the rank by them fixed had he been loyal enough to call for volunteers under the first proclamation of the President, and that in my action in the premises I desired to give them the same positions, respectively, which they would have held had the call been made by the governor, supposing that this action would be acceptable to the General Government.

I am, sir, very respectfully, your obedient servant,

N. LYON,
Brigadier-General of Volunteers, Commanding.

[Inclosure.]

SPECIAL ORDERS, No. 13. HEADQUARTERS BRIGADE, U. S. R. C., *St. Louis, May 28, 1861.*

The following appointments are hereby made on the brigade staff of the United States Reserve Corps, viz:

Assistant adjutant-general, Lieut. Col. Josiah W. Bissell; quartermaster, Maj. James O. Broadhead; paymaster, Maj. J. K. Mills; commissary, Maj. Nathaniel Constable; aide-de-camp, Maj. Thomas Burgh.

T. W. SWEENY,
Captain, Second Infantry, Commanding U. S. R. C.

[137 L., A. G. O., 1861.]

The United States Reserve Corps, including the brigadier-general and staff, was mustered into the United States service as militia under

the President's call of April 15, 1861, and was credited by the War Department to the State of Missouri under that call. In 1897 the question as to the status of these troops being under consideration, it was decided by the Assistant Secretary of War that they, including the officers of all grades, must be considered to have been State militia called into the service of the United States by the President, and that the officers are entitled to the same recognition that they would have been entitled to receive if they had been appointed and commissioned by the governor of the State. (R. & P., 450639.)

The Three Months' Militia of 1861, treated in this paper under a separate head, and the United States Reserve Corps (three months' service), combined, represent a militia force of more than 10,000 men furnished by the State of Missouri under the President's call of April 15, 1861.

There is nothing in the muster-in rolls of the United States Reserve Corps showing any conditions as to the locality of their service, but it was reported by General Lyon that "they were sworn into service upon the condition that they were not to be called upon to perform duty outside of the county" of St. Louis. (127 L., A. G. O., 1861.) Many of them were, with their own consent, employed upon active service in the field, but their efficiency as a corps was seriously impaired by the condition under which they were received into the service. This fact was illustrated by an official of the Missouri militia by the remark: "The men have false notions about discipline and subordination, thinking that, as they are privileged soldiers, as well as substantial men of families, they have the right to determine by vote what they shall do." (R. and P., 463368.)

In the reorganization of the corps for the three years' service it was sought by General Lyon to avoid any limitation as to the district in which it should serve; with what success will be seen in the chapter of this paper devoted to the United States Reserve Corps, Three Years' Service.

The United States Reserve Corps organized for three months' service consisted of one company of cavalry and five regiments of infantry.

UNITED STATES RESERVE CORPS, THREE YEARS' SERVICE.

As has been seen in the preceding chapter, the United States Reserve Corps, consisting of five regiments of infantry and a company of cavalry, was organized by Capt. (subsequently Brig. Gen.) Nathaniel Lyon, at St. Louis, Mo., during the month of May, 1861, to serve for the period of three months. It was a force of Missouri militia, enrolled for service in the neighborhood of St. Louis. The original authority for its acceptance into the three years' service has not been discovered, but that such authority was given by the War Department is shown in a letter addressed by the Secretary of War to General Lyon, under date of June 7, 1861, as follows:

WAR DEPARTMENT, *Washington, June 7, 1861.*

Brig. Gen. N. LYON,
Commanding Missouri Volunteers, St. Louis.

GENERAL: You are directed to muster in for the war the regiment known as the "American Zouaves," Morgan L. Smith, colonel.

In explanation of orders heretofore given it is proper to say that it was intended to allow all the men already in service in Missouri to be mustered in for the war, or others to be received in lieu of them for that term.

SIMON CAMERON.

[503 W., A. G. O., 1861.]

That it was not the intention of General Lyon that the reorganized force should be limited as to the locality of its service is shown by an order issued by him under date of July 16, 1861, of which the following is a copy:

SPECIAL ORDERS, No. 19.

HEADQUARTERS ARMY OF THE WEST,
Springfield, Mo., July 16, 1861.

None of the regiments of United States Reserve Corps, in the city of St. Louis, will be retained in the service as such beyond their present three months' term, unless it shall be absolutely necessary for the defense of the city pending the organization of the three years' volunteers authorized by the Government.

Those regiments of the Reserve Corps that desire to reorganize for the long term of service must do so without limitation as to the district in which they are to serve.

By order of General Lyon:

J. M. SCHOFIELD,
Assistant Adjutant-General.

[Book No. 9, Department of the West, p. 42.]

On August 12, 1861, specific instructions for the reorganization of the United States Reserve Corps were given by Major-General Fremont, who had been assigned to the command of the Western Department. These instructions contemplated the organization of 5 regiments of infantry with a reserve of 2 companies to each, 2 squadrons of cavalry, and 2 batteries of light artillery, the whole force to be subject to the same regulations and to receive the same pay as other volunteers, except the

reserve companies, which were to receive pay only when called into actual service. The full text of the instructions is as follows:

HEADQUARTERS WESTERN DEPARTMENT,
St. Louis, Mo., August 12, 1861.

Col. J. MCNEIL,
United States Reserve Corps, St. Louis.

SIR: Inasmuch as the term of the several regiments of the United States Reserve Corps in St. Louis has expired, or in a few days will expire, and the men be paid off, and as the present state of political affairs in Missouri, as well as the movements and designs of the enemy, will not permit their being permanently disbanded, I have determined, in order to promote the common welfare and protect public and private property, to have them forthwith reorganized.

The new organization will comprise 5 regiments of infantry with a reserve of 2 companies to each, 2 squadrons of cavalry, and 2 batteries of light artillery.

The troops will be required to enlist for the war, unless sooner discharged, and will (except the reserve companies) be subject to the same regulations and receive continuously the same pay as the volunteer regiments.

The reserve companies will be required to replace the Home Guard regiments, should the latter for any cause be called to other counties of this State, and will receive the regular pay of volunteers for such actual service. When not in service the reserve companies will be under more liberal regulations; they will not be obliged to perform guard duty, and their hours of drilling will, so far as possible, be made to conform to their peculiar public and private position.

In order to accomplish, without delay, this urgent reorganization of the Home Guard of the city of St. Louis, you are hereby directed to assemble your regiment at their headquarters, and ascertain from each man under your command whether he would prefer to continue in the regiment, or to join the cavalry or artillery, or serve only in the reserve for the above-mentioned peculiar emergencies.

After ascertaining in this way the wishes of the men you will proceed immediately to the reorganization of the infantry regiments.

The companies will in the first place elect their company officers, who will thereupon nominate their field officers and submit their names for approval to the general commanding the department.

The colonels, when accepted, will nominate a brigadier and submit his name in like manner for approval. After his appointment a brigadier inspector will be selected by the general commanding.

The officers of the regiment having been decided upon, the reorganization of the regiment, and, if possible, also that of the reserve companies should be immediately completed and the returns submitted to this department.

You will communicate this order to all the members of your regiment and proceed with the execution of it until the election and approval of a colonel, who will, immediately after his appointment, report himself with his officers to these headquarters, when the regiment will be uniformed, armed, equipped, and provided with everything necessary for actual service and at the same time with special instructions for drill and discipline.

The rolls of those men who should prefer to join the cavalry or artillery you will also submit as early as possible, with the officers suggested, to these headquarters.

Should any deficiency exist this department will supply all the different companies with efficient officers and complete their organization.

As it is my design to have in each regiment one company of sharpshooters and one company of pioneers, all the best marksmen should be concentrated in one company and all the best mechanics in another, under officers best adapted to the command of those companies.

J. C. FRÉMONT,
Major-General, Commanding.

[Book No. 8, Department of the West, pp. 351–353.]

There appears to be nothing in these instructions limiting the field of service of any but the "reserve companies," and as those companies were doubtless classed as Home Guards and paid through the agency of the "Hawkins Taylor Commission" for such active service, if any, as was rendered by them (see Home Guards of 1861) they need not be further considered.

Under the orders of General Frémont 1 battalion of cavalry, 1 regiment of artillery, consisting of 12 companies of heavy artillery and 3 light batteries, 5 regiments of infantry—3 of them incomplete—

3 battalions of infantry, and 2 independent companies of infantry were organized and mustered into the United States service for the period of three years.

There is nothing in the muster-in rolls of these troops to show any conditions as to the locality of their service, but it was understood by the men that they were mustered in for service only in the State of Missouri. The disastrous results of this understanding will be shown in the following pages.

On October 25, 1861, the Adjutant-General of the Army addressed to the Paymaster-General a letter advising him that bodies of troops were being formed in and about St. Louis, which, under the name of Home Guards, Reserve Corps, and other appellations, were being mustered into the service of the United States for duty only in limited localities, or upon certain contingencies, that such organizations were entirely without authority, and that any payments made to them would not be sanctioned by the Government.

On November 2, 1861, General Frémont was relieved of the command of the Western Department, and on the 9th of the same month Major-General Halleck was assigned to the command of the newly created Department of the Missouri. On the 11th of November, 1861, Major-General McClellan, commanding the Army, addressed to Major-General Halleck a letter of instructions in which he said:

HEADQUARTERS OF THE ARMY,
Washington, D. C., November 11, 1861.

Maj. Gen. H. W. HALLECK, U. S. A.,
Commanding Department of the Missouri.

GENERAL: In assigning you to the command of the Department of the Missouri, it is probably unnecessary for me to state that I have intrusted to you a duty which requires the utmost tact and decision. You have not merely the ordinary duties of a military commander to perform, but the far more difficult task of reducing chaos to order.

* * * * * * *

You will please examine into the legality of the organization of the troops serving in the department. When you find any illegal, unusual, or improper organizations you will give to the officers and men an opportunity to enter the legal military establishment under general laws and orders from the War Department, reporting in full to these headquarters any officer or organization that may decline.

* * * * * * *

I am, general, etc.,

GEO. B. MCCLELLAN,
Major-General, Commanding U. S. Army.

[Official Records of the Union and Confederate Armies, Series I, Vol. III, p. 568.]

General Halleck assumed command of the Department of the Missouri on the 19th of November, 1861, and on the 4th of December he issued a general order (No. 14) in which he called upon company and regimental commanders for certified copies of the muster-in rolls of their respective commands, "with a view to a systematic organization" of the forces of the department, and on December 9, 1861, he published the following general order:

GENERAL ORDERS, No. 21. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, December 9, 1861.*

1. The following letter, having been brought to the notice of the major-general commanding this department, is published for the information of all concerned, viz:

"ADJUTANT-GENERAL'S OFFICE,
"*Washington, October 25, 1861.*

"SIR: Information having been received that bodies of troops are being formed in and about St. Louis, Mo., which, under the name of Home Guards, Reserve Corps,

and other appellations, are being mustered into the service of the United States for duty only in limited localities, or upon certain contingencies, you are hereby cautioned that such organizations are entirely without authority, and that no payments made to them will be sanctioned by the Government.

"I am, sir, very respectfully, your obedient servant,

"L. THOMAS,
"*Adjutant-General.*

"The PAYMASTER-GENERAL, *Washington, D. C.*"

Officers appointed from these headquarters to muster troops are authorized to muster or remuster into the service of the United States all such bodies of troops for three years or during the war, unless sooner discharged, as directed by the act of Congress on the subject, provided their plan of organization conforms to the orders of the War Department, including in the muster or remuster so made the period during which the bodies of troops above referred to have been in actual service.

* * * * * * *

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

It does not appear that any of the Reserve Corps organizations were mustered or remustered under the provisions of the order quoted above, but the announcement that such troops were not to be recognized as entitled to pay created great dissatisfaction.

On the 12th of December, 1861, Brig. Gen. Alexander Asboth, commanding the division in which two of the regiments were serving, addressed to the commanding general a letter, of which the following is a copy:

HEADQUARTERS FOURTH DIVISION,
Camp Halleck, near Rolla, December 12, 1861.

ASSISTANT ADJUTANT GENERAL,
Department of the Missouri.

SIR: I herewith inclose, in connection with my telegram of to-day to the commanding general, the order for the reorganization of the "Reserve Corps" regiments, issued on the 12th day of August, 1861, from the headquarters of the Western Department.

The order shows that the regiments were organized and mustered into the service, subject to the same regulations and to receive the same pay as volunteer regiments.

The organization prescribed a reserve of two companies to each regiment, and these reserve companies alone retained any of the privileges as to time and place of service peculiar to the Home Guards, leaving the regiments entirely of the character of volunteer troops.

Two of these regiments, the First and Second, entered upon and performed during the last three months the actual duties of the past campaign in the Fourth Division under my command, endured all the privations arising from a deficiency of means of transportation, lack of provisions and clothing, never having received pay, and now, entirely without money, having nearly all families dependent upon them in St. Louis, the announcement that they are not to be recognized as entitled to any payment has driven them to the verge of a mutiny, demanding the prompt action of the department.

I would therefore respectfully ask either that the paymaster be instructed to pay them equally with the other volunteer troops or for orders relieving them altogether from duty and giving them permission to return home to the support of their families.

I am, respectfully, your obedient servant,

[ALEXANDER] ASBOTH,
Acting Major-General, Commanding Fourth Division.

[A. 43, Department of the Missouri, 1861.]

Under date of December 14, 1861, Brig. Gen. J. M. Schofield, commanding the Missouri State Militia, addressed to the department headquarters a letter on the same subject, in which he said:

HEADQUARTERS MISSOURI STATE MILITIA,
St. Louis, December 14, 1861.

Col. J. C. KELTON,
Assistant Adjutant-General, Department of the Missouri.

COLONEL: I respectfully ask the attention of the major-general commanding to the condition of the "Reserve Corps" regiments now in service.

The effect of the letter of the Adjutant-General of the Army, published in General Orders, No. 21, headquarters Department of the Missouri, has been to convince the men serving in the Reserve Corps regiments that they are not recognized as United States soldiers by the Government, are not regarded as entitled to any pay for past services, and, in short, while they have faithfully performed their part of the agreement under which they are serving the Government repudiates its part of the contract, though made by the major-general commanding this department.

It must be admitted that this is a legitimate inference from the letter referred to, and I am informed by the officers of some of these regiments that unless something is done at once to remove this impression it will be impossible longer to restrain their men and that they will disband and go home.

They have seen other troops who have been serving with them in the field paid and they passed by, with a statement to the effect that they need never expect any pay for their service, either past or future, unless they accept the conditions of General Orders, No. 21. This the great body of them are unwilling to do.

Although their muster-in rolls contain no qualification as to service in or out of this State they were organized under written authority from Major-General Frémont containing the condition that they were to serve in the State, and the men were enlisted and "sworn in" under this condition. Very naturally they are unwilling to serve any longer without some assurance that this condition will be complied with and that they will at some time be paid for their services.

I am informed that the men of these regiments almost unanimously desire to join the State militia.

The conditions of this service being precisely the same as that to which they are pledged, it has occurred to me that the general commanding might have the power to transfer these regiments as they now exist to the State service; or, if necessary, an order to this effect might be obtained from the War Department.

If this can be done, it will be the simplest and most satisfactory method of settling the question of their future condition and avoid the loss of the services of these regiments during reorganization.

If this transfer can not be made, I respectfully suggest the propriety of immediately mustering these regiments out of service.

There are in various parts of the State large numbers of men organized as "Home Guards" and "Reserve Corps" who wish to enter the State service if they can be officially released from their obligations to the United States in such a manner as to preserve some legal evidence of their past services whereby they may hope to obtain pay for their services at some future time.

It seems to me desirable to bring these irregular bodies of men under one or the other of the regular organizations as quickly as possible. Many of the men wish to enlist in the United States Volunteers, while many prefer to serve in the militia, but they will do neither until some official record is made of their past services.

I am, colonel, very respectfully, your obedient servant,

J. M. SCHOFIELD,
Brigadier-General, Commanding Missouri Militia.

[S. 1315, V. S., 1862.]

A letter was also addressed to department headquarters by General Asboth, under date of December 14, 1861, as follows:

HEADQUARTERS FOURTH DIVISION,
Camp Halleck, near Rolla, December 14, 1861.

ASSISTANT ADJUTANT-GENERAL,
Department of the Missouri.

SIR: Although the payment of the regiments here has been already commenced and decisive directions have been especially given, as I am informed, to the paymasters for the payment of Wright's cavalry battalion and Boyd's infantry regiment (both originally Home Guard organizations), no orders have been received by the paymasters to disburse the sums due the two reserve volunteer regiments, of which I the day before yesterday reported by telegraph and mail.

In order, therefore, to remove as soon as possible the difficulties in which the men

here of these regiments and their families at St. Louis are involved, I beg leave to have laid before the commanding general more fully, through Acting Brigadier-General Albert, to whose brigade they belong, the importance of an immediate order to the paymasters in accordance with the telegram issued to me the day before yesterday from headquarters.

Have the kindness to secure Colonel Albert an early interview with the commanding general.

Very respectfully, your obedient servant,

[Alexander] Asboth,
Acting Major-General, Commanding Fourth Division.

(A. 49, Department of the Missouri, 1861.)

Apparently as a result of these representations, Major-General Halleck issued an order in which he directed that all corps regularly mustered into service for three years, with a legal organization, including the United States Reserve Corps, should be paid for past services actually rendered by them, and that irregular organizations mustered in with an unauthorized limitation as to place of service should be allowed the option of being regularly mustered into service for three years or during the war, with pay for past service, or of being mustered out with pay only for the period of actual service in Missouri away from their homes. Following is a copy of the order:

General Orders, No. 25. Headquarters Department of the Missouri, *St. Louis, December 14, 1861.*

* * * * * * *

II. All corps regularly mustered into the service of the United States for three years or during the war, unless sooner discharged, in accordance with General Orders of the War Department, current series, No. 15, plan of organization, and No. 61, declaring when certain officers are to be mustered in, according to the number of men enrolled, and in case of cavalry regiments, with General Orders, No. 73, allowing 3 majors to a regiment when consisting of 12 companies, and 2 majors to a regiment of 8 or 10 companies, no matter what the descriptive designation, whether United States Reserve Corps or whatever it may be, will be paid to cover the period of past service actually rendered by them, and they will be paid hereafter at the regular periodical musters until further orders. * * *

III. Home Guards and other irregular organizations mustered in with an unauthorized limitation as to place of service, or in service without having been mustered in, will be allowed the option to be now regularly mustered in for three years or during the war, according to law and regulations, to cover the full time of back service, so that they can be regularly paid and furnished with supplies, or to be mustered out of service and receive pay only for the period they "have done active service in Missouri away from their homes."

* * * * * * *

By order of Major-General Halleck:

J. C. Kelton,
Assistant Adjutant-General.

In a letter addressed to the Adjutant-General of the Army under date of December 13, 1861, General Halleck said of the United States Reserve Corps:

There seems to have been some misapprehension at Washington in respect to the "Reserve Corps" and "Home Guards." The former, at least the regiment stationed in this city [St. Louis], are regularly mustered into service for three years without any limitation as to their place of service. They are regularly organized Missouri Volunteers and entitled to pay and allowances the same as any other volunteer. They will be paid accordingly.

[Official Records of the Union and Confederate Armies, Series I, Vol. VIII, p. 434.]

And in a letter addressed to Major-General McClellan, December 19, 1861, General Halleck said:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, December 19, 1861.

Maj. Gen. GEORGE B. MCCLELLAN,
GENERAL IN CHIEF OF THE ARMY,
Washington City.

GENERAL:

* * * * * * *

I am progressing slowly with the reorganization of the forces here. It is a most difficult task, increased by the injudicious orders of the War Department and the jealousies of the governors of States. * * * The United States Reserve Corps, as they are called, are generally regularly organized Missouri Volunteers, mustered in for three years or the war, without limitation as to place of service. The pay department has objected to pay these troops, on the ground that there was some outside verbal or tacit understanding that they would not be ordered out of the State. I can not recognize any such unrecorded verbal understanding, and must be guided alone by the muster rolls, which are perfectly regular. Moreover, General Curtis informs me that he refused to permit them to be mustered in with any reservation whatever. I have therefore ordered them, or rather all of them in actual service, to be paid on their muster rolls. They are not generally very efficient troops, and I purpose to disband a part of them as soon as I can do so with safety.

* * * * * * *

Very respectfully, your obedient servant,

H. W. HALLECK, *Major General.*

[Ibid., p. 448.]

The dissatisfaction and mutinous spirit which had been manifested in the Reserve Corps regiments was not allayed by the publication of General Orders, No. 25, quoted above, and on December 18, 1861, General Asboth addressed Major-General Halleck as follows:

HEADQUARTERS FOURTH DIVISION,
Camp Halleck, near Rolla, December 18, 1861.

ASSISTANT ADJUTANT-GENERAL,
Headquarters Department of the Missouri.

SIR: Owing to the agitation in St. Louis, through the German papers, well calculated to increase the dissatisfaction of the Reserve Corps Volunteer regiments despite the publication of General Orders No. 25, I have thought proper to issue the inclosed circular to the troops embodying the letter of the commanding general received to-day.

I have been especially induced to this course by the interpretation which the commander of the First Reserve Corps Volunteers, Colonel Rombauer, insists upon applying to the General Order above, claiming as he does an authority under it to muster his regiment out of the service.

Major Crane, the senior paymaster, has not yet received orders to pay those regiments and I have therefore again to trouble the commanding general to have them sent here through Colonel Andrews in accordance with General Orders, No. 25, which covers the whole case.

Very respectfully, your obedient servant,

[ALEXANDER] ASBOTH,
Acting Major-General, Commanding Fourth Division.

[A 56, Department of the Missouri, 1861.]

The circular referred to by General Asboth is as follows:

CIRCULAR }
No. 3. }

HEADQUARTERS FOURTH DIVISION,
Camp Halleck, near Rolla, December 18, 1861.

In answer to my report submitted to the general commanding Department of the Missouri, through Actg. Brig. Gen. Albert, soliciting an immediate order to the

paymaster for the payment of the First and Second Reserve Corps Missouri Volunteer regiments, the commanding general himself writes as follows:

"HEADQUARTERS DEPARTMENT OF THE MISSOURI,
"*St. Louis, December 15, 1861.*

"General ASBOTH,
"*Camp near Rolla.*

"GENERAL: Your letter of yesterday is received. You will find in General Orders, No. 25, of this department the substance of instructions previously issued to the chief of the pay department for the payment of Reserve Corps and Home Guards. They are in accordance with instructions from Washington and will be complied with by all paymasters.

"Probably when your letter was written the instructions to Colonel Andrews had not reached Rolla.

"But every delay in sending them will be remedied by the publication of Orders, No. 25. Everything will be done to have the troops paid as soon as possible.

"Very respectfully,

"H. W. HALLECK, *Major-General.*"

In the General Orders, No. 25, I see a full guaranty for the payment of the regiments in question, and if any doubt were left the commanding general's above explanation entirely dispels it.

To prevent, therefore, any misrepresentation or misapprehension I deem it proper to acquaint all the commands of my division and especially the members of the two regiments named with the autograph letter of the general commanding and its satisfactory contents.

Commanders will publish this circular in full to officers and men.

[ALEXANDER] ASBOTH,
Acting Major-General, Commanding Fourth Division.

[Ibid.]

Further information with regard to the condition of the United States Reserve Corps regiments is found in a letter addressed by an aide-de-camp on the staff of Brigadier-General Sigel to the chief of staff at department headquarters, of which the following is a copy:

HEADQUARTERS UNITED STATES FORCES,
Rolla, December 26, 1861.

Capt. JOHN C. KELTON,
Assistant Adjutant-General.

CAPTAIN: The general directs me to transmit to you for the consideration of the commanding general the accompanying reports of the colonel of the First Regiment United States Reserve Corps, and of the lieutenant-colonel of the Second Regiment United States Reserve Corps, First Brigade, Fourth Division. These regiments are actually unfit for the field and can not be relied on. It would therefore be advisable to leave one of them as garrison at this post, together with Colonel Phelps's regiment, in case of a forward movement, and the other might be ordered to Franklin to relieve the Ninth Iowa, including the battery at that post, which command is very anxious to get something to do and which would render very efficient service in the field. The general therefore urges the necessity of making the proposed change, and respectfully requests the commanding general to attach the Ninth Iowa Regiment with the battery to this command.

* * * * * * *

By order of Brigadier-General Sigel, commanding:
Very respectfully, your obedient servant,

T. A. MEYSENBURG,
Second Lieutenant and Aide-de-Camp.

[S. 1315, V. S., 1862.]

On January 17, 1862, General Halleck issued an order in which he warned the discontented members of the Reserve Corps of the results to be expected from a violation of their military obligations. Following is a copy of the order:

GENERAL ORDERS, No. 22. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, January 17, 1862.*

* * * * * * *

II. Organizations which have been mustered into the United States service under the title of "Reserve Corps," or other designations, are regularly in the military service of the United States, and are to be paid and supplied the same as any other troops. It is not the intention to require the service of such troops out of this State, except in cases of emergency, but they must do the same duty as other troops, and any refusal on their part to obey orders will be punished to the full extent of the law. If they absent themselves from their post without proper leaves, they will be treated as deserters. Officers who may neglect their duties and fail to preserve order and discipline among their men will be dismissed the service. Any person found creating dissatisfaction and mutiny among the troops will be seized and confined, and if found guilty will suffer death.

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

In January, 1862, the Third United States Reserve Corps was consolidated with the Gasconade County Battalion and other Reserve Corps organizations to form the Fourth Missouri Infantry Volunteers. This was followed by a mutiny and the disarming and confinement of the members of several companies, as announced in General Orders, No. 28, headquarters Department of the Missouri, dated February 2, 1862, of which the following is a copy:

GENERAL ORDERS, No. 28. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, February 2, 1862.*

Several companies of the Fourth Regiment of Missouri Volunteers, lately called the Third United States Reserve Corps, having shown themselves mutinous and disobedient of orders, have been disarmed and placed in confinement at Benton Barracks. The privates and noncommissioned officers of these companies will be sent under a suitable guard to Cairo to work on the fortifications at that place until further orders. The commanding officer of that post will see that these companies are made to work faithfully on the fortifications, and will report to these headquarters the names of any who by their repentance and obedience to orders and discipline deserve pardon and restoration to military rank and respect.

The officers of these companies have not joined in this mutinous demonstration, but they have failed or neglected to enforce order, obedience, and military discipline; they will therefore be mustered out of service and discharged.

The major-general commanding this department is always willing to listen to complaints and ready to redress well-founded grievances; but, at the same time, he is determined to enforce discipline and obedience to orders, and any companies, regiments, or corps which shall hereafter disobey orders or exhibit a mutinous disposition, will be dealt with in a most summary manner. The Rules and Articles of War in respect to mutiny will be rigorously enforced.

By command of Major-General Halleck:

N. H. MCLEAN,
Assistant Adjutant-General.

This order was followed by one dated February 26, 1862, threatening with arrest and punishment "certain parties" accused of practices calculated to produce dissatisfaction and mutinous conduct. Following is a copy of the order:

GENERAL ORDERS, No. 48. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, Mo., February 26, 1862.*

* * * * * * *

IV. It is officially represented to the commanding general that certain parties in this city and elsewhere have been negotiating with companies and regiments, originally, perhaps, irregularly organized, to obtain for a certain price their disbandment or discharge, and encouraging expressions of dissatisfaction and mutinous conduct as a means to accomplish that end. An investigation of this matter will be made

immediately, and the provost-marshal-general will arrest the guilty parties and confine them in the military prison until they can be tried and punished as prescribed by the Rules and Articles of War.

By command of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

Mutinies soon after occurred in the First United States Reserve Corps, and also in the Fourth and Fifth Missouri Cavalry regiments, composed partially of the Hollan Horse, which was originally formed as a Reserve Corps organization. Concerning these mutinies, Brigadier-General Schofield, then commanding the District of Missouri, reported, under date of July 13, 1862, as follows:

HEADQUARTERS DISTRICT OF MISSOURI,
St. Louis, July 13, 1862.

Col. JOHN C. KELTON,
Assistant Adjutant-General, Department of the Mississippi, Corinth, Miss.:

I have the honor to report for the information of the commanding general the mutinous conduct of a portion of the troops under my command and the disposition I have made of them.

When the commanding general directed me to reinforce General Curtis by all my available force, I had no infantry that could be used at once except Colonel Rombauer's regiment, the First United States Reserve Corps, then stationed along the Pacific Railroad. I at once concentrated this regiment at Rolla and ordered it forward to Batesville. It proceeded as far as West Plains, and there mutinied, all except the officers and about 287 men, refusing to go farther. Colonel Rombauer detailed 12 officers and a guard of 137 men to remain with the mutineers, directing them to guard the post of West Plains. But the officer left in command, finding that his men could not be relied upon to defend the place in case of attack, returned to Rolla with his entire command.

At Rolla 238 noncommissioned officers and men broke out in open mutiny, refusing to do any duty whatever, and declaring their determination to break up and come to St. Louis. They were promptly arrested, disarmed, and sent to the Northern part of Missouri to work on the blockhouses on the Hannibal and St. Joe Railroad.

I inclose a list of the officers left with these men by Colonel Rombauer. They are now in St. Louis, with the exception of one major, one captain, and three lieutenants left with the few obedient men at Rolla.

I do not believe it possible to make this regiment efficient with its present organization and under its present officers. I respectfully recommend that the mutineers be kept at hard labor until sufficiently submissive to discipline and then be permitted to enlist in other regiments. Those of the men who have remained obedient might be organized into a battalion under such officers as prove upon examination to be most efficient and the remaining officers be mustered out of service.

I have also to report a mutiny in one company of the Fourth Missouri Cavalry and three companies of the Fifth Missouri Cavalry, the same troops that gave so much trouble in north Missouri last winter.

I have several of the leading mutineers in irons, awaiting trial, and the remainder at work on the fortifications at Rolla. I have no doubt of being able to reduce these men to submission in a short time.

I am satisfied these difficulties have resulted from the influence of certain lawyers in St. Louis, who have promised for a certain consideration to get these men mustered out of service. I shall spare no efforts to detect these men and bring them to punishment.

While I think it would be an advantage to the service to get rid of these mutinous troops, it will doubtless be well to retain them as good subjects for punishment, as examples to others.

I am, colonel, very respectfully, your obedient servant,

[J. M. SCHOFIELD,]
Brigadier-General.

[Book No. 568, Department of the Missouri, p. 54.]

On August 16, 1862, Brig. Gen. Lewis Merrill, commanding the Division of Northeast Missouri, reported in a letter to General Schofield that there was likely to be trouble with the mutineers, and that

as they were evidently acting under the conviction that they were clearly within their rights he was loath to proceed to extreme measures. His letter is as follows:

HEADQUARTERS DIVISION NORTHEAST MISSOURI,
Macon City, Mo., August 16, 1862.

Col. C. W. MARSH,
Assistant-Adjutant General.

COLONEL: I find that there is likely to be trouble with the mutineers. I inclose herewith a translation from one of the Saint Louis German papers, and would state, for the information of the general, that upon thorough investigation of the whole matter, partly personal and partly through Lieutenant Brandt, that the men have become thoroughly convinced that they are doing right and will submit to any punishment rather than work beyond the thirty days, which, they claim, is the limit of the time for which they can be made to work without trial. Thinking at first that it was simply insubordination incited by some of the mischievous leaders among them, I had intended issuing an order requiring them to [go to] work and enforce the order to the extremest severity, if need be, but became satisfied, on fuller investigation, that the whole of them are acting upon what they believe to be a principle of right, and that the result of the attempt would have been the necessity of shooting at least half of them. Had I been convinced that they had no justice in their claims I should not have hesitated to do so; but believing, as I am compelled to, that the distinct understanding on their part on enlistment was that they were to serve only in the State, and that that statement was made by authority, I am loath to push to extremities men who, however wrong (I think), are acting upon principle.

I submit the whole matter to the general for his decision, with the assurance that his orders will be enforced, whatever they may be.

I am, colonel, very respectfully, your obedient servant,

LEWIS MERRILL,
Brigadier-General, Commanding.

[Book No. 647, Department of the Missouri, p. 6.]

This letter was forwarded by General Schofield to department headquarters with a letter of his own, in which he stated that, so far from being of any service to the Government, the Reserve Corps regiments had become a "positive burthen;" that, although the rolls did not show it, there could be no doubt that they were enlisted for service only in Missouri, and that it was done by General Frémont's order; that the order (General Orders, No. 25, of 1861) declining to recognize this limitation and giving them the option of being regularly mustered in as volunteers or being mustered out had rendered them dissatisfied with the service even in Missouri, and for these reasons he recommended that they be mustered out of service. His letter is as follows:

HEADQUARTERS DISTRICT OF MISSOURI,
St. Louis, August 22, 1862.

Maj. N. H. MCLEAN,
Assistant Adjutant-General.

MAJOR: I have the honor to request that the so-called "Reserve Corps" regiments of Missouri may be mustered out of service. So far from being of any service to the Government they are a positive burthen.

They were enlisted for service only in Missouri. Of this there can be no doubt, although their muster-in rolls do not show it, and it was done by General Frémont's order. The order declining to recognize this limitation and giving them the option to be regularly mustered in as volunteers or to be mustered out has rendered them discontented and dissatisfied with service even in Missouri. They are mostly troops of that character which can be kept in a tolerable state of discipline only by the presence of other troops who can be relied on to enforce orders. You are aware that this is impossible in Missouri, where troops are necessarily very much scattered.

With a few honorable exceptions the officers of these regiments are utterly inefficient. They have no control whatever over their men.

If disbanded most of the men who are fit for active service will reenlist in other regiments, while the Government will be relieved from the support of the old and worthless, of which there are a large number.

Two of the regiments, the First and Second, are now doing no service whatever. One of them has been under punishment more than a month, and not a single man is willing to return to duty on any terms.

They seem to have a fixed conviction that they have been unjustly dealt with and an obstinate determination to suffer any punishment rather than to return to duty.

I inclose a letter received from Colonel Merrill on the subject which exhibits the state of feeling among the men to whom I refer.

Notwithstanding that I am now in need of more troops, I am satisfied it will be an actual relief to me to get rid of these men. I therefore respectfully but earnestly request the commanding general to authorize me to have them mustered out of service.

I am, major, very respectfully, your obedient servant,

J. M. SCHOFIELD, *Brigadier-General.*

[Book No. 568, Department of the Missouri, p. 95.]

General Scofield's letter was forwarded to the Headquarters of the Army, and, on August 28, 1862, he was authorized to muster out of service the Reserve Corps regiments in his district. This authority was conveyed in a letter of which the following is a copy:

ADJUTANT-GENERAL'S OFFICE.
Washington, D. C., August 28, 1862.

Brig. Gen. J. M. SCHOFIELD,
Commanding District Missouri, St. Louis, Mo.

SIR: I have the honor to acknowledge the receipt of your letter of the 22d instant, in reference to the mustering out of service of the "Reserve Corps" regiments of Missouri. In reply I am directed to inform you that you are hereby authorized to have the said regiments in your district mustered out of the service of the United States.

E. D. TOWNSEND,
Assistant Adjutant-General.

[Letters sent, A. G. O., Vol. 2, 1862, p. 404.]

Immediately upon the receipt of this letter General Schofield issued the following order:

SPECIAL ORDERS, No. 98. HEADQUARTERS DISTRICT OF MISSOURI, *St. Louis, September 1, 1862.*

Authority having been received from the War Department to muster out of service the Reserve Corps regiments in this district, they will be mustered out as rapidly as their places can be supplied by other troops.

The Second Regiment (Colonel Kallman), now at Benton Barracks, will be mustered out without delay by Lieut. J. T. Price, Fifth United States Infantry.

The portions of the First Regiment (Colonel Rombauer) now in this district will be assembled at Benton Barracks as soon as practicable, and when assembled will be mustered out of service by Lieutenant Price.

By order of Brigadier-General Schofield:

C. W. MARSH,
Assistant Adjutant-General.

[Book No. 580, Department of the Missouri, p. 75.]

Because some of the Reserve Corps regiments had been mustered out of service under the provisions of the order quoted above, other troops, originally organized as reserve regiments but not then serving as such, supposed that they should also be mustered out under the same order. Major-General Curtis, who had been assigned to the command of the Department of the Missouri, therefore issued a general order of which the following is a copy:

GENERAL ORDERS, No. 21. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, Mo., November 29, 1862.*

The commanding general is informed that because some of the United States Reserve Corps have been mustered out other troops of other names suppose they should be. There is no reason for such a claim. Other troops not United States Reserve Corps can not be mustered out.

The Second Missouri Artillery was first enrolled as Home Guards, but with their own consent they were afterwards regularly mustered in as three-year volunteers by Lieutenant Sanford, U. S. A., and the matter was fully explained in German and English. All officers, soldiers, and citizens should inculcate quiet obedience to duty, and any person or persons engaged in circulating petitions to be mustered out or threats of mutiny in the Second Artillery or any other troops not United States Reserve Corps will be arrested and punished by a military commission.

By command of Major-General Curtis:

H. Z. CURTIS,
Assistant Adjutant-General.

This order, however, did not check the clamor that had been raised for the muster out of such troops as had been originally enlisted with a supposed limitation as to the field of their service. The Second Missouri Artillery had originally been organized as the First Artillery, United States Reserve Corps, and the members of the original organization persisted in the claim that they were entitled to be mustered out of service under the provisions of Special Orders, No. 98, of 1862, directing the muster out of the Reserve Corps regiments.

The initial correspondence relative to the muster out of this regiment is found in a letter from the regimental commander, dated September 11, 1862, in which he requested to be informed whether or not the Second Missouri Artillery was to be mustered out of service under the provisions of the special orders referred to. To this inquiry General Schofield replied as follows:

HEADQUARTERS DISTRICT OF MISSOURI,
September 12, 1862.

The Second Missouri Artillery was reorganized and became volunteers soon after Major-General Halleck assumed command of the department. Therefore it is not to be considered as belonging to the Reserve Corps. But even were this not the case, that regiment would be retained in service, since their services are needed in the position for which they were originally enlisted, and there are no other troops which can be used to replace them. Therefore the Second Missouri Artillery will not be mustered out of service.

[M. 961, V. S., 1863.]

A petition of certain members of the regiment for discharge was subsequently submitted, in which it was claimed by the petitioners that they were enlisted to serve in the forts in the neighborhood of St. Louis, as reserve corps, and not as volunteers, but that they had been attached to and compelled to serve with other troops, without their consent and without having been mustered into service as volunteers, being in many instances severely punished for refusing to serve as volunteer soldiers. The petitioners therefore claimed that they were entitled to be mustered out of service under the order directing the muster out of the United States Reserve Corps. This petition was indorsed by Major-General Curtis, then commanding the Department of the Missouri, under date of March 11, 1863, as follows:

ST. LOUIS, *March 11, 1863.*

During the summer of 1861 I ascertained this artillery regiment was being enrolled as Home Guards or Reserve Corps, and I ordered the Colonel (Almstedt) and the mustering officer of St. Louis to see that this was changed and that the men must be properly mustered as volunteers according to the then-existing laws. Colonel Almstedt and the mustering officer have both assured me they were so mustered. I also directed the matter should be explained to the men in both German and English. When bounties and other advantages were offered, these men mutinied and insisted on being mustered out as other Reserve Corps had been, and they were punished for mutiny.

I refer the matter to Colonel Almstedt that he may state the facts. Even if they are Reserve Corps, that does not create a right to be mustered out, as they, even as so

mustered, agreed to serve three years; and the order to muster out Reserve Corps was intended to apply to other troops and created no right that these men should be allowed to claim if the Government thinks they should be continued in the service as Reserve Corps. No regiment has had such accommodations of quarters, rations for families, and other favors, and this continual appeal to muster out is in violation of repeated promises that they would return to duty if allowed to do so.

It is, however, proper for me to say many of the privates seem to have misunderstood the matter, and I have called the troops back within the State of Missouri where, as Reserve Corps, they certainly have no reason to claim exemption service.

S. R. CURTIS, *Major-General.*

[Ibid.]

On March 16, 1863, the commanding officer of the Second Missouri Artillery addressed General Curtis as follows:

HEADQUARTERS SECOND MISSOURI ARTILLERY,
St. Louis, March 16, 1863.

In compliance with the within request of Maj. Gen. S. R. Curtis, I would state the following:

Even if the Second Missouri Artillery would be entitled as Reserve Corps to be mustered out the regiment could not be mustered out of service, as the order of the Secretary of War reads that "those United States Reserve Corps regiments should be mustered out of service as soon as they could be spared." And Generals Curtis and Schofield decided that this regiment could not be spared, as there is no regiment in service suitable to fill the place of the Second Missouri Artillery.

But without regard to this I am going to prove that the members of the Second Missouri Artillery are volunteers. 1. They voluntarily enlisted to serve three years for the United States, in what capacity, as reserve or volunteers, seems to be immaterial, as a soldier has to do his duty in either. 2. They enlisted as reserve, but were converted into volunteers November 21, 1861, and were mustered as Second Artillery Missouri Volunteers on the 31st of December, 1861. Those men who did not like to serve as volunteers any longer were mustered out of service on or about the 1st of February, 1862, amounting to about 320 men—mustered out at once. But since that time the old soldiers of the regiment became weary of this long, protracted war, and therefore they hunt up some reasons in support of their intention to get mustered out of service, as the times are here now very favorable to working people. 3. The higher authorities are very well aware that the Second Missouri Artillery is not in the least entitled to claim to be mustered out of service, that its claims are only founded in the wishes of a small party of it and at the instigation of certain attorneys at law who are only attempting to make money out of these troubles, very well knowing that they can not succeed by right without overthrowing the facts. But several honest ones, after having investigated the claims of the claimants, were soon convinced that there was no legal claim at all on the part of the members of the Second Missouri Artillery, and therefore dropped the case; but only one attorney at law, Washington Hendricks, did not cease to stir up the troubles in the regiment, and he succeeded as far as to get a certain amount of money in advance out of his poor protégés, with the promise to get some more after having succeeded. These are simple facts which are reported to me. 4. The first pay roll, on which the regiment got paid, of the 31st of December, 1861, styles the regiment as volunteers and not as Reserve Corps, and they voluntarily received their pay from the paymaster as volunteers without any remonstrance; afterwards all the men got mustered out of service who did not like to serve as volunteers.

In addition to the above facts I would state that mostly everything contained in the report and the accompanying affidavits of Washington Hendricks is false. He says that "these men are suffering horribly from the unjust treatment inflicted on them by their officers." This has never happened except in cases of mutiny, for the most of which Washington Hendricks is responsible. The most part of these mutineers were temporarily detached to other regiments and there forced to do duty. The punishment inflicted upon the mutineers with the regiment were adequate to their crime. Furthermore, he says that his affiants have been detached to other and volunteer corps without their consent, but he does not develop that this was the just treatment for their mutineering. First Lieutenant Kreinbaum is the only officer of the regiment who made an affidavit in this matter, but his reasons are very plain. He is under arrest since middle of December, 1862, tried by a general court-martial, and he was very well aware that he would be dismissed the service. This induced him to help mutineering, though under arrest when he signed his affidavit.

HENRY ALMSTEDT,
Commanding Second Missouri Artillery Volunteers.

[Ibid.]

On March 30, 1863, a petition for discharge was indorsed by Brig. Gen. J. W. Davidson, commanding the St. Louis District, as follows:

HEADQUARTERS ST. LOUIS DISTRICT, *March 30, 1863.*

Respectfully forwarded with request that a board be appointed to examine into the merits of this complaint. A detachment of this regiment at Pilot Knob serving with a battery is in mutiny. Another serving with a battery at Benton Barracks was recently in mutiny. Another serving as heavy artillery at Cape Girardeau was recently in mutiny. A detachment serving with the Twenty-second Iowa Volunteers by department orders left that regiment and is, I am informed, in this city, thus deserting their station. This calls for a decision upon the difference between the officers and men as to what the regiment is, whether as volunteers or Reserve Corps.

Respectfully submitted.

J. W. DAVIDSON,
Brigadier-General, Commanding.

[Ibid.]

On April 4, 1863, a "board of inquiry" was appointed by General Curtis "to inquire into and report upon the conduct and complaints of certain officers and enlisted men of the Second Regiment Missouri Artillery." The findings of the board, of which Brig. Gen. Fitz Henry Warren was president, and which met April 8, 1863, at St. Louis, Mo., were as follows:

First. The present Second Regiment Artillery Missouri Volunteers was originally enlisted and mustered into service as the First Regiment Artillery United States Reserve Corps, with the understanding on the part of the men that they were to serve only in the State of Missouri and principally in the St. Louis fortifications.

Second. The change of the name of the regiment on November 20, 1861, by order of the commander of the district of St. Louis could not change the nature of service due by the men, except, first, it was made with their full consent; and, second, unless they were remustered into the United States service as volunteers.

Third. The men of this regiment have never consented to a change of the nature of the service due by them to the United States.

Fourth. This regiment has never been remustered into the United States service as volunteers.

Fifth. The conclusion from the above is that the Second Regiment Artillery Missouri Volunteers is a Reserve Corps regiment, and entitled to be treated as such in all respects.

Sixth. The letter from the War Department to Brigadier-General Schofield, stating that he is authorized to muster out of service the Reserve Corps, although permissive rather than directory in its language, yet when taken in connection with the letter of General Schofield, to which it is in reply, should be deemed an order to muster out all Reserve Corps, and that General Schofield himself so construed it is apparent from his Special Orders, No. 98, in relation to the regiments of Colonels Kallman and Rombauer. This board is therefore of the opinion that the present so-called Second Regiment Missouri Volunteers, being in reality a Reserve Corps regiment, should be mustered out of the service.

Seventh. In case the regiment, as such, is mustered out of the service, still the 600 men now in it who have been recruited since the change of name and under the notice that they were to serve as volunteers, and have been mustered into the United States service as volunteers, are not entitled to be mustered out, but should be reorganized and assigned to duty.

Eighth. The original mustering in of this regiment as a Reserve Corps regiment was illegal, being in opposition to existing orders.

Ninth. When this regiment was originally mustered in, it contained nearly 500 men unfit for duty, and who have since been discharged for physical disability existing at the time they were enlisted, and for this the United States mustering officer and the inspecting surgeon should be held to answer.

Tenth. The evidence discloses such a condition of affairs in the regiment as to render its reorganization indispensably essential to its efficiency in the event of its being retained in the service.

Eleventh. The order convening this board calls upon them to report upon the "conduct" of the regiment. The evidence discloses the fact that most of the companies have at some period or other been in a state of mutiny, the alleged reason in each instance being that they were illegally changed from United States Reserve

Corps to United States Volunteers without their consent and against their will. While the board can never believe that mutiny was justifiable, they express the opinion that the grievance alleged was real.

[Ibid.]

The proceedings and findings of the board were forwarded by Major-General Curtis by indorsement dated May 7, 1863, as follows:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, May 7, 1863.

Respectfully forwarded to the Adjutant-General of the Army, accompanying letter to the General in Chief of date of May 4. Attention is respectfully called to the proceedings and finding of the court of inquiry, and the affidavits, orders, letters, and other papers attached. Should the finding of the court be approved, I have the honor to request that these papers be returned with full instructions as to the disposition to be made of the "Reserve Corps" portion of the Second Missouri Artillery.

S. R. CURTIS, *Major-General.*

[Ibid.]

The letter of May 4, 1863, referred to in General Curtis's indorsement, is as follows:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, May 4, 1863.

Maj. Gen. H. W. HALLECK,
General in Chief.

GENERAL: Yours of the 29th ultimo, concerning the Second Artillery Regiment, is received. You are mistaken in supposing all are to be mustered out. None will be if you are sure a full "thorough examination" was had last year and the matter was properly then and there decided that "they were regularly mustered in for the war." The order to remuster was given by me and I had been assured by the officers they had been remustered, and so they were. But it was for pay and not for muster in again. I have tried to force these men to do duty. They have been punished almost to the death; but they have demanded a hearing on a charge of fraud in this second muster. General Davidson, a severe disciplinarian, and General Warren, and Colonel Glover, who had detachments of these troops and in various ways endeavored to force obedience, assured me there was some mistake, and the facts should be inquired into. They would not do duty and were worse than useless. The men asked to have the facts determined. There is nothing on record that shows the men had been heard in the premises. They claimed the benefit of the order requiring me to muster out the Reserve Corps, and if the fact existed as they still averred, I supposed my duty plain. On their petition, properly indorsed, I finally submitted the matter to discreet, unprejudiced officers. They called in the officers and probably some of the men, and the proof shows that they were not remustered and sworn as three-year volunteers. They did not so understand it, and the rolls do not show it, but on the contrary show they are still a specialty.

No one was more vexed and surprised than I have been in this matter. It was a remuster under pretense of pay muster, and the rolls show it was only muster for pay.

The court, I believe, decided unanimously that they were not remustered: that they are a Reserve Corps, and ought to be mustered out pursuant to your order. I have suspended the muster out as your telegraph expressed disapproval, and I shall still await your further orders. Although only part of the corps have been regarded as Home Guards, the whole regiment is demoralized. I am sure no one knows better than I do the troubles that have arisen from these irregular organizations, and I have always regretted the order which they persistently claim as a right to be mustered out. Properly enrolled we have no better soldiers, but as now organized they are only useful when they think their homes are in danger. I have resisted step by step these losses of Home Guard troops, and my utmost efforts fail. The proof is irresistible. They are included within the scope of my orders from you and the honorable Secretary of War. Shall I proceed to execute the order and try to get new and unquestionable musters? It seems to me necessary.

I remain, general, very respectfully, your obedient servant,

S. R. CURTIS, *Major-General.*

P. S.—I send herewith the original petition of the soldiers of this regiment with General Davidson's indorsement, the proceedings and findings of the board of inquiry, and all the papers in the case.

S. R. CURTIS, *Major-General.*

[Ibid.]

A brief of the case having been submitted to the General in Chief, it was indorsed by him as follows:

This regiment *was* remustered as volunteers for three years or the war, while I commanded the department, and under the supervision of a staff officer. All the men understood the character of the engagement. Those who wished to be considered as simply "Home Guards" were discharged. As many of the men had families in St. Louis, they were told that they would be retained there, unless [required] elsewhere, but were to be subject to any service anywhere. There could have been no possible misunderstanding on this subject, and General Curtis was wrong in again reviewing the question. Those men who were unfit for service should have been discharged and the regiment filled up or its organization reduced. The men had no claim whatever for a discharge on the ground of improper enlistment.

And now the regiment should be filled up, if possible, and if not, its organization should be reduced.

H. W. HALLECK, *General in Chief.*

MAY 15, 1863.

[Ibid.]

On June 13, 1863, a special inspection of the regiment was ordered. In their report, dated June 30, 1863, the inspecting officers remarked:

The men and officers at that time (September 12, 1862) claimed, as they have continually since, that they were deceived by the mustering officer at the remuster in November, 1861, not understanding there was to be any change of the conditions of their original oath, but that this remuster was to enable them to draw pay and clothing. The result of this deception is constant trouble. The men refuse to do duty, and, in fact, nearly all examined have not drilled for three or four months, many for eight or nine, and some for one year. They are completely demoralized and worthless as soldiers. There is no doubt but they will continue so till all the Reserve Corps men in the regiment are mustered out. They are seriously injuring the volunteers by their mutinous spirit, which is constantly exhibited.

During the excitement attending the Marmaduke raid in April, Brigadier-General Davidson, by order of Major-General Curtis, visited the fortifications and promised the men if they would do their duty as soldiers till the trouble was over they should be mustered out.

[Ibid.]

In concluding their report, the inspecting officers suggested as the only method of making the regiment efficient that all of the officers and men who had entered the service as members of the United States Reserve Corps be mustered out of service. The report was indorsed by the inspector-general of the Department of Missouri as follows:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
INSPECTOR-GENERAL'S DEPARTMENT,
St. Louis, July 26, 1863.

Respectfully referred to the major-general commanding the department for his information and action. Those officers and enlisted men of the Second Regiment of Missouri Artillery claiming to belong to the Reserve Corps (and these compose more than one-half of said regiment) are a nuisance, and decidedly a dangerous element to the service in this city. Their officers are grossly inefficient and neglectful of their duties and afraid of their men; they are not fit for their positions. All those claiming to belong to the Reserve Corps deserve the severest penalties known to the military law for "disobedience of orders," "mutiny and sedition," because here in St. Louis, where they acknowledge they enlisted to do duty, they are constantly guilty of all and every one of the military offenses named. This spirit of insubordination has been greatly stimulated and kept alive by incendiary articles published in the German papers in St. Louis, and the editors of such papers should be severely dealt with for such conduct.

If it should be deemed advisable for the interests of the Government by the major-general commanding the department and by the superior authorities to whom he may refer this matter that the severer course of coercion and punishment in order that these men may be obliged to do their duty be dispensed with, then I would most respectfully and earnestly recommend that all those claiming to belong to the Reserve Corps be immediately mustered out of service.

JAS. TOTTEN,
Brigadier-General, Inspector-General's Department.

[Ibid.]

The inspection report was forwarded to the Adjutant-General of the Army, accompanied by a letter from General Schofield as follows:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., July 27, 1863.

Col. E. D. TOWNSEND,
Assistant Adjutant-General, U. S. A., Washington, D. C.

COLONEL: I have the honor to transmit herewith inspection report of the Second Artillery Missouri Volunteers, with request that it be laid before the General in Chief, and his special attention asked to the facts as set forth in the report and the recommendations of the inspecting officers.

I am aware that in November, 1861, this regiment was reorganized and remustered with the intention of making it a volunteer regiment. Whatever else may have been done it is quite certain that the men were entirely deceived as to the nature and object of this remuster. Whether this deception was intentional or not on the part of their officers, it would be difficult, if not impossible, to ascertain. Whether intentional or not the effect is the same. The feeling of the men is too unanimous to admit of a doubt as to their sincerity. I am satisfied, therefore, that the men and officers who were in the regiment at the time of remuster in 1861 should be mustered out of service as a simple act of justice, even were there no other considerations involved.

Unfortunately this question has been discussed during the last year in a party spirit, by the press of St. Louis, and has been made the occasion for reflection upon the official conduct of the several officers involved in it here, also that of the General in Chief and War Department. This, added to the repeated promises that have been made to the men that they should be mustered out, has so increased the disorder and mutinous spirit in the regiment that any remedy short of muster out would, in my opinion, be unavailing. I have determined not to make the attempt to return the men to duty without once more appealing to the General in Chief to permit me to reorganize the regiment and muster out the "Reserves." With this authority I can soon make it a good regiment, efficient for service where it will be needed. It never has been, and never will be, of any use whatever in St. Louis. Now it is a disgrace to the service, as well as utterly useless.

I respectfully request an early decision of this question.

Very respectfully, your obedient servant,

J. M. SCHOFIELD, *Major-General.*

[Ibid.]

On August 3, 1863, the General in Chief, to whom the inspection report had been submitted, authorized General Schofield to muster out such officers and men of the Second Artillery as he might deem necessary. Thereupon General Schofield issued the following order:

SPECIAL ORDERS, No. 219. HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., August 13, 1863.

* * * * * * *

3. All the noncommissioned officers and privates of the Second Regiment Artillery Missouri Volunteers, with the exceptions hereinafter referred to, who were enlisted before the 20th day of November, 1861, will be mustered out of service without delay.

All men who are now under punishment by sentence of general court-martial or military commission, all who have been tried and are awaiting sentence, and certain others against whom grave charges have been preferred (a list of which men accompanies this order for the information of the mustering officer) will be excepted from this muster out of service.

* * * * * * *

The Second Missouri Artillery Volunteers will be reorganized and recruited to its maximum as rapidly as practicable.

For this purpose a military board will be appointed to examine the capacity, qualifications, propriety of conduct, and efficiency of all the commissioned officers of the regiment, and to consolidate the men remaining in the regiment after the muster out hereby ordered into the proper number of full companies. Upon the report of this board the commanding general will order the muster out of such officers as shall not be found fitted for their positions.

The assistant commissary of musters of the District of St. Louis will make the musters required by this order. * * *

By command of Major-General Schofield:

J. A. CAMPBELL,
Assistant Adjutant-General.

The history of the several organizations of the United States Reserve Corps accepted into service for the period of three years is, briefly, as follows:

CAVALRY.

First Battalion, also known as "Hollan Horse."—This battalion was organized from October, 1861, to February, 1862, at St. Louis and Warrenton, Mo. One company of the battalion was mustered out of service March 4, 1862, by order of General Halleck, apparently under the provisions of General Orders, No. 25[a] of December 14, 1861, headquarters Department of the Missouri. Of the other six companies, three were consolidated with the "Frémont Hussars" to form the Fourth Missouri Cavalry, and were mustered out of service in September, 1862, under the provisions of Special Orders, No. 98,[b] of September 1, 1862, District of Missouri, directing the muster out of the Reserve Corps regiments. The remaining three companies were consolidated with the "Benton Hussars" to form the Fifth Missouri Cavalry and were mustered out in September, 1862, under the provisions of the special orders before cited directing the muster out of the Reserve Corps regiments.

ARTILLERY.

First Regiment.—This regiment, composed of twelve companies of heavy artillery and three light batteries, was organized at St. Louis, Mo., from September to November, 1861. On November 20, 1861, its designation was changed by order of Brigadier-General Curtis, commanding the St. Louis District, to the "Second Regiment Missouri Volunteers." The number of companies was subsequently reduced by consolidation to the regulation standard. The enlisted men who belonged to the original Reserve Corps regiment, except those who were reserved for punishment, were mustered out of service under the provisions of Special Orders, No. 219[c] of August 13, 1863, headquarters Department of the Missouri.

INFANTRY.

First Regiment.—This regiment was organized at St. Louis, Mo., during the month of September, 1861, and was mustered out of service during the months of September and October, 1862, under the provisions of Special Orders, No. 98,[b] headquarters District of Missouri, dated September 1, 1862, authorizing the muster out of the Reserve Corps regiments.

Second Regiment.—This regiment was organized at St. Louis, Mo., during the months of August and September, 1861, and was mustered out of service in September, 1862, under the provisions of Special Orders, No. 98,[b] headquarters District of Missouri, dated September 1, 1862, authorizing the muster out of the Reserve Corps regiments.

Third Regiment.—This regiment was organized at St. Louis, Mo., during the months of August and September, 1861. It was consolidated with the Gasconade County Battalion, United States Reserve Corps, to form the Fourth Missouri Volunteers, which latter regiment was mustered out of service February 1, 1863, apparently under the

[a] Order quoted on page 106. [b] Order quoted on page 112. [c] Order quoted on page 118.

provisions of Special Orders, No. 98,[a] headquarters District of Missouri, dated September 1, 1862, authorizing the muster out of the Reserve Corps regiments.

Fourth Regiment.—This regiment was organized at St. Louis, Mo., during the months of September and October, 1861, and was mustered out of service January 13, 1862, apparently under the provisions of General Orders, No. 25[b] of December 14, 1861, headquarters Department of the Missouri.

Fifth Regiment.—This regiment was organized at St. Louis, Mo., from September to December, 1861, and was consolidated with certain independent companies to form the Fifth Missouri Volunteers. The companies originally forming the Reserve Corps regiment were mustered out of service November 22, 1862, under the provisions of Special Orders, No. 98,[a] headquarters District of Missouri, dated September 1, 1862, authorizing the muster out of the Reserve Corps regiments.

Gasconade County Battalion.—This battalion was organized at Hermann, Mo., from October, 1861, to January, 1862. It was consolidated with the Third Infantry, United States Reserve Corps, to form the Fourth Missouri Volunteers, which latter regiment was mustered out of service February 1, 1863, apparently under the provisions of Special Orders, No. 98,[a] headquarters District of Missouri, dated September 1, 1862, authorizing the muster out of the Reserve Corps regiments.

Krekel's Battalion.—This battalion was organized at St. Louis, Mo., during the month of August, 1861. It was mustered out of service January 8, 1862, apparently under the provisions of General Orders, No. 25,[b] of December 14, 1861, headquarters Department of the Missouri.

Van Horn's Battalion.—This battalion was organized at Kansas City, Mo., during the months of June, July, and August, 1861, under authority of General Lyon. It was captured and paroled at Lexington, Mo., September 20, 1861, and the greater portion of the enlisted men were mustered out of service October 29, 1861. The remaining members were consolidated with the Thirteenth Regiment Missouri Infantry in December, 1861, the consolidated force forming the Twenty-fifth Missouri Infantry. No claim appears to have been made by members of this regiment for discharge under the orders directing the muster out of the United States Reserve Corps regiments.

Dietrich's Independent Company.—This company was organized at Manchester, Mo., August 15, 1861. It was mustered out of service February 3, 1862, apparently under the provisions of General Orders, No. 25,[b] of December 14, 1861, headquarters Department of the Missouri.

King's Independent Company.—This company was organized at Franklin, Mo., during the months of September and October, 1861. It was mustered out of service January 23, 1862, apparently under the provisions of General Orders, No. 25,[b] of December 14, 1861, headquarters Department of the Missouri.

The status of the United States Reserve Corps accepted into the service for the period of three years was that of Missouri volunteers in the service of the United States. It formed a part of the military establishment of the United States during the short period of its

[a] Order quoted on page 112. [b] Order quoted on page 106.

existence. Its history has been given somewhat in detail and at considerable length, especially with regard to individual organizations, because the peculiar conditions of acceptance, the incidents of service, and the cause of disbandment may be of importance in the determination of questions that may arise relative to the rights of officers and enlisted men, or their representatives, under the bounty and pension laws and the statutes with regard to travel-pay, and other allowances. These questions, however, are not within the jurisdiction of the War Department, except so far as they involve questions with regard to military status or service.

As shown in this report, the United States Reserve Corps organizations, three years' service, were one battalion of cavalry, one regiment of artillery, and five regiments, three battalions, and two independent companies of infantry.

THREE YEARS' VOLUNTEERS.

Like the Missouri militia of 1861, the three years' volunteers accepted into the service from that State during the early period of the civil war were enrolled and organized under the supervision of the United States military authorities. No specific authority for their organization has been found of record, but that such authority was given is shown by the recorded correspondence. In a letter dated May 24, 1861, addressed to the Secretary of War, Col. F. P. Blair, jr. (colonel of the First Missouri Militia, three months' service), referred to "the four regiments assigned to Missouri for three years' service," and to an "order requiring two-thirds of the officers to be appointed by the governor of the State," which order he said would not be complied with, "and the Government could not accept officers appointed by a traitor under any circumstances." Following is a copy of Colonel Blair's letter:

ST. LOUIS, MO., *May 24, 1861.*

HON. SIMON CAMERON, *Secretary of War:*

The four regiments assigned to Missouri for three years' service can easily be raised, but the order requiring two-thirds of the officers to be appointed by the governor of the State will not be complied with, and the Government could not accept officers appointed by a traitor under any circumstances.

As the brigade will be under command of General Lyon, will it not be best to allow him to nominate the officers, subject to the approval of the President? Send him the order by telegraph immediately.

* * * * * * *

F. P. BLAIR, JR.

[Official Records of the Union and Confederate Armies, Series I, Vol. III, pp. 375, 376.]

Under date of June 1, 1861, Brig. Gen. Nathaniel Lyon, who had succeeded to the command of the Department of the West, addressed a letter to the President in which (subscribing himself as commanding the arsenal at St. Louis) he referred to "four regiments for the three years' service" as the quota of the State of Missouri, and recommended the acceptance of the "American Zouave Corps," of St. Louis, as an additional regiment. This letter is as follows:

ARSENAL, *St. Louis, June 1, 1861.*

His Excellency ABRAHAM LINCOLN,
President of the United States.

DEAR SIR: The "American Zouave Corps," of St. Louis, composed of some of the best young men of the city, have earnestly entreated me to receive them into the United States service, which I regret I have not the power to do.

I have referred them to Your Excellency, and Charles P. Johnson, esq., one of their number, visits Washington City for the purpose of tendering the services of the regiment to the Administration for such time as may be required by the public neces-

sities. You can place full reliance upon the representations of Lieutenant Johnson, and I trust I may be permitted to hope that the tender of this valuable corps, coming as it does from this locality, will be accepted at once. If more than four regiments for the three years' service are to be accepted from this State, it is important this should be known, and how many, as five regiments have already offered besides the above. At the request of parties interested the above is submitted to the President.

Very respectfully, N. LYON,
Brigadier-General of Volunteers, Commanding.

[503 W, A. G. O., 1861.]

A similar letter was addressed to the President on the same day by Colonel Blair. These letters were indorsed by the President as follows:

I think the Zouave regiment ought to be received, for moral effect as well as for military purposes. It will be a counterpoise to the prejudice against the Germans. I refer the case to you [Attorney-General] and Mr. Blair, as the special committee on Missouri.

June 6, 1861.

[Ibid.]

A letter on the subject of the existing "prejudice against the Germans," referred to in the President's indorsement, had been previously addressed to the Secretary of War by Brig. Gen. William S. Harney, General Lyon's predecessor in the command of the Department of the West. This letter, dated May 15, 1861, in which General Harney recommended the organization of a regiment to consist "exclusively of Irishmen," was indorsed by Colonel Blair, who concurred in General Harney's recommendation. Following is a copy of the letter and indorsement:

EAST ST. LOUIS, ILL., *May 15, 1861.*

Hon. SIMON CAMERON, *Secretary of War:*

I think it of the utmost importance that an additional regiment, consisting exclusively of Irishmen, should be raised in St. Louis. It will at once settle matters in St. Louis and do away with the prejudice against the Government troops, which consist almost exclusively of Germans.

WM. S. HARNEY,
Brigadier-General, Commanding.

I concur in the importance and policy of General Harney's recommendations, and believe that it will end our troubles here and enable our troops to do service elsewhere.

FRANK P. BLAIR, JR.,
Colonel First Regiment Missouri Volunteers.

[Official Records of the Union and Confederate Armies, Series I, Vol. III, pp. 373–374.]

No record has been found of a reply to General Harney's letter of May 15, 1861, or to Colonel Blair's letter of May 24, 1861, but on June 7, 1861, the Secretary of War addressed General Lyon as follows:

WAR DEPARTMENT, *Washington, June 7, 1861.*

Brig. Gen. N. LYON,
Commanding Missouri Volunteers, St. Louis.

GENERAL: You are directed to muster in for the war the regiment known as the "American Zouaves," Morgan L. Smith, colonel.

In explanation of orders heretofore given, it is proper to say that it was intended to allow all the men already in service in Missouri to be mustered in for the war, or others to be received in lieu of them for that term.

SIMON CAMERON.

[503 W., A. G. O., 1861.]

It will be seen that, although the original "orders" or instructions have not been discovered, the military authorities at St. Louis were authorized to receive into the service of the United States for the three years' term all of the militia and United States Reserve Corps troops then in service, or their equivalent, numbering upward of 10,000 men. This authority was evidently given under the President's call of May 3, 1861, for 42,034 volunteers. The question as to the appointment of officers, raised in Colonel Blair's letter of May 24, 1861, appears to have been ignored.

The organization of volunteer regiments for the long term was at once begun, the First Missouri Militia being reorganized during the month of June, 1861, and accepted into service for the period of three years under authority of General Lyon, by whom authority was also given for the organization of a number of new regiments. The work thus begun by General Lyon was continued by his successor, Maj. Gen. John C. Frémont, who, on July 25, 1861, assumed command of the newly created Western Department.

Under date of August 5, 1861, the governor of the State, under the new State government, was authorized by the War Department to raise 15 regiments—10 of infantry, 3 of cavalry, and 2 of artillery. This authority, which was evidently given under the acts of July 22 and 25, 1861, was conveyed in a letter of which the following is a copy:

WAR DEPARTMENT, *Washington, August 5, 1861.*

His Excellency H. R. GAMBLE.

SIR: Hon. F. P. Blair, jr., has tendered to this department 15 additional regiments, to be organized in Missouri, for the several arms of the service, as hereinafter stated. You are therefore authorized and empowered to raise and organize the 15 regiments referred to—10 regiments of infantry, 3 regiments of cavalry, and 2 regiments of artillery—for the service of the United States, to serve for three years or during the war.

This department will exercise the right to revoke the commissions of all officers who may be found incompetent for the proper discharge of their duties. You will promptly advise Adjutant-General Thomas, at Washington, the date at which your men will be ready for mustering, and he will detail an officer for that purpose, who will be instructed to muster by companies.

Very respectfully, your obedient servant,

THOMAS A. SCOTT.

[Official Records of the Union and Confederate Armies, Series III, Vol. I, p. 388.]

It does not appear that any action was taken by the State officials under this authority, the organization of Missouri troops, undertaken by Generals Lyon and Frémont, being continued by the latter after the reorganization of the State government and up to the time he was relieved from command, the officers being designated or appointed by him, notwithstanding the existence of a loyal State government, it appearing that, for some reason, the governor had declined to commission the officers.

Besides creating numerous Home Guard and United States Reserve Corps organizations, treated in this paper under separate heads, General Frémont, immediately upon his assumption of the command of the Western Department, proceeded to authorize the organization of a large force of volunteer troops, aggregating, with those previously authorized by General Lyon, about thirty regiments, besides independent companies and battalions. The irregularities of his administration in the organization of corps not authorized by law, the accept-

ance of others with unlawful conditions of service, and the unlawful exercise of the appointing power, will be treated in a separate chapter.

On November 2, 1861, General Frémont was relieved from the command of the Western Department, and on November 19, 1861, Maj. Gen. H. W. Halleck assumed command of the newly organized Department of the Missouri. The methods adopted by General Halleck for the correction of existing irregularties will, like the irregularities themselves, be described in another chapter. One result of his action was to place the organization of Missouri volunteers where it belonged—with the State authorities.

The Secretary of War had, on December 3, 1861, ordered that "no more regiments, batteries, or independent companies" be raised by the governors of States, except upon the special requisition of the War Department, and that those then forming in the several States be completed, under the direction of the respective governors thereof, unless it be deemed more advantageous to the service to assign the men already recruited to organizations then in the field. (General Orders, No. 105, Headquarters of the Army, 1861.)

On December 31, 1861, evidently under the provisions of this order, the governor of Missouri, in special orders from State headquarters, consolidated several fragmentary organizations, forming from them the Twenty-first and Twenty-sixth Missouri Volunteers, and on January 2, 1862, General Halleck issued a general order (No. 4), in which he directed that "under General Orders, No. 105, Adjutant-General's Office, Washington, December 3, 1861," all corps of Missouri volunteers not completed be reported to the governor for such action as he might deem expedient to adopt.

These orders from the State and department headquarters were followed in quick succession by other orders from the State executive consolidating incomplete organizations, and from the military commander mustering out such organizations as had been accepted with unauthorized conditions of service, until the organization of the three years' volunteers was placed upon the basis required by law and the regulations of the War Department.

The question of the issue of commissions to officers of the Missouri volunteer regiments early received the attention of the major-general commanding the Department of the Missouri. Those officers had been mustered into service upon apointments received from General Frémont, or without regular appointments or commissions from any source, and the questionable status of the officers so serving not only caused embarrassment to the commanding general but impaired the efficiency of the troops with which the officers were serving.

On December 14, 1861, General Halleck nominated to the governor of the State the officers of the "Merrill Horse" (Second Cavalry) for commissions, to rank from the respective dates on which the officers were mustered into service in the grades for which they were recommended. On the same date an order was issued by the State executive announcing, among other things, that commissions would not be issued to officers of Missouri volunteers in the service of the United States until authenticated copies of the muster-in rolls of the corps to which they belonged had been filed in the office of the adjutant-general of the State. This order (General Orders, No. 4, of the State of Missouri) was promulgated in General Orders, No. 31, Department of

the Missouri, dated December 20, 1861, of which the following is a copy:

GENERAL ORDERS, No. 31. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, December 20, 1861.*

The attention of Missouri volunteers is called to the following orders of the governor of this State:

"GENERAL ORDERS, "No. 4. "HEADQUARTERS STATE OF MISSOURI, "ADJUTANT-GENERAL'S OFFICE, *"St. Louis, December 14, 1861.*

"I. Commissions will not be issued to officers of the Missouri volunteers in the service of the United States until authenticated copies of the muster-in rolls of the corps to which they belong shall have been filed in the office of the adjutant-general of the State; nor will promotions or appointments to fill vacancies in any particular corps be made unless the commander thereof shall have transmitted to the same office a formal return, exhibiting all changes which have taken place in his command from the time of original muster up to and including the date of the event by which the vacancy sought to be filled was occasioned.

"II. The major-general commanding the Department of the Missouri, having in view the better discipline and increased efficiency of the troops, has requested that applications for commissions or appointments in the Missouri volunteers shall be submitted to him for his approval before being considered by the governor.

"This course will be adopted, and will be pursued as well in regard to the issue of commissions to officers now serving with the volunteers as to original appointments and promotions.

"By order of the Commander in Chief:

"CHESTER A. HARDING, Jr., *"Adjutant-General."*

Authenticated copies of muster-in rolls will be immediately transmitted in compliance with the above orders.

By order of Major-General Halleck:

J. C. KELTON, *Assistant Adjutant-General.*

The necessity for the immediate commissioning of the officers was, however, considered by General Halleck to be so pressing that he urged upon the governor the importance of reconsidering his determination to wait for authenticated copies of the rolls. The exigencies of the case as viewed by General Halleck, and the necessity for prompt action on the part of the governor of the State, were stated by the former in a letter of which the following is a copy:

ST. LOUIS, *December 18, 1861.*

His Excellency H. R. GAMBLE,
Governor of Missouri.

GOVERNOR: By a letter from your adjutant-general of this date I am informed that commissions will not be issued to officers of volunteers now in the service of the United States until authenticated copies of the muster-in rolls shall have been filed in the office of the adjutant-general of the State and other conditions are complied with.

In many cases it will be almost impossible at the present time to procure these authenticated copies for file, as required, as the troops are scattered on duty in various parts of the State, and months must elapse before such copies can be obtained from the paymaster, mustering officers, or the Adjutant-General at Washington.

The officers of these volunteer companies and regiments have been in active service for months under mere appointments, and some have been paid as such. But difficulties now arise in making such payments, and the men in many cases, finding that the officers have no commissions, refuse to obey them. Moreover, it is doubtful whether such officers, not being commissioned, can legally serve on courts-martial. These difficulties are becoming of a very serious character, and threaten a total disorganization of some of our best regiments; in some cases the men are on the verge of mutiny.

These things call for a prompt remedy. It will not do to delay the matter for the sake of mere formalities. I have been working night and day to supply the deficiencies and to correct the irregularities. After one whole month's labor I have in many cases been unable to procure muster-in rolls for my own officers, and in order to expedite matters I have borrowed those filed with the paymaster. In no case

have I, or will I, recommend to you for commission any officer without satisfactory evidence of his having been in service from the time at which his commission is to date.

I am satisfied, governor, that if you insist upon a strict compliance with the first paragraph of your order No. 4, weeks, and perhaps months, must elapse before commissions can issue. In the meantime disorganization and want of discipline must increase. I may wish to send these regiments into the field in a very few days. If you refuse to commission the officers, how can they legally exercise command? By delaying these commissions you delay the pacification of Missouri, and greatly embarrass all plans of ulterior operations.

I hope, governor, you will reconsider this matter and issue commissions as fast as I obtain satisfactory proof of the service and muster in of the officers. It is the only means of getting order out of chaos.

Your order is a very proper one for ordinary times and ordinary circumstances, but I most strenuously urge you to make an exception in the cases I submit to you as requiring immediate action.

All information in regard to muster-in rolls and vacancies which I have is at the service of your adjutant-general.

Permit me to repeat, governor, that the present condition of the troops here requires prompt action in this matter of commissions, and that delay may lead to the most serious results.

Very respectfully, your obedient servant, H. W. HALLECK,
Major-General.

[Book No. 18, Department of the Missouri, pp. 80–83.]

This letter was followed by other letters from General Halleck, with which he submitted lists of officers whom he desired to be commissioned, not from the dates of muster in, as previously recommended in the case of the officers of the Merrill Horse, but from the dates of their enrollment, it appearing that in many cases companies had been "full and ready for service long before they were actually mustered." (Book No. 18, Department of the Missouri, p. 88.)

The adjutant-general of Missouri, in his annual report to the governor of the State, dated December 31, 1863 (p. 17), states:

> The officers of all the regiments which were raised in Missouri were, as soon as the machinery of the State government was properly put in operation, commissioned by your excellency in due form.

On January 1, 1862, according to the adjutant-general's report of that date, the Missouri volunteers in the service of the United States numbered 32,821; but these included some organizations which were subsequently mustered out of service by reason of unauthorized limitations in their contracts of service, besides several organizations, composed of citizens of other States, which were finally transferred to the States to which a majority of their members belonged. Of this latter class of troops the State adjutant-general says in his annual report of 1863, page 18:

> Owing to the refusal of the Government to accept all the men who offered their services in the loyal States at the beginning of the war, large numbers of persons came to Missouri to enlist, and in some instances nearly whole regiments were mustered into service, and denominated Missouri regiments, while their members were, a large majority of them, residents of other States. As a result, upon the application, either of the governors of their States or of the organizations themselves, the following regiments were transferred to other States, and lost their history as Missouri troops: The Ninth Missouri Infantry was made the Fifty-ninth Illinois Infantry; the Thirteenth Missouri Infantry was made the Twenty-second Ohio Infantry; the Fourteenth Missouri Infantry or "Western Sharpshooters" was made the Sixty-sixth Illinois Infantry, and Schwartz's Battery transferred to Second Illinois Artillery.

Continuing, the adjutant-general says in the same report, page 18:

> These are all the transfers of organizations that have been made to other States, although in some of the present regiments of Missouri volunteers a majority of the

men have come from other States than Missouri, but in nearly all such, the number from the different States has been so equally divided that they have preferred to retain their original designation, rather than lose their history as Missouri regiments. They have felt, and still feel, a pride in being called Missourians, for they can say with truth that *no Missouri regiment has yet been disgraced.*

It will be seen from the foregoing that on or before January 1, 1862, by reason of the reorganization of the State government and the cooperation of its officials with the United States military authorities, the machinery for the organization of Missouri troops for the volunteer service and the appointment of their officers, had been placed in the hands of the State executive, where, under the law, it properly belonged, and that the irregularities of organization due to the unauthorized administrative action of one of the military commanders had, as far as practicable, been corrected.

On July 1, 1862, the President called for an additional force of 300,000 men, and on July 7, 1862, the governor of Missouri was requested by the War Department to raise, as a part of the State's quota, four regiments of infantry to serve three years. Under this call, as stated by the adjutant-general of the State (Annual Report of 1863, p. 18), seven regiments of infantry and three regiments of cavalry were raised, and an additional regiment of cavalry was organized under special authority of the War Department.

Following the call of the President of October 17, 1863, for 300,000 volunteers to fill the ranks of the old regiments in the field, the commanding general Department of the Missouri issued an order revoking all authority before given to recruit in Missouri for regiments belonging to other States. Following is a copy of the order:

GENERAL ORDERS, No. 123. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, Mo., October 21, 1863.*

I. The governor of Missouri having received authority from the War Department to raise additional volunteer troops for the United States service, all authority heretofore given to recruit in Missouri for regiments belonging to other States is hereby revoked.

* * * * * * *

By command of Major-General Schofield:

O. D. GREENE,
Assistant Adjutant-General.

An order was also issued by the governor of the State as follows:

GENERAL ORDERS, No. 28. HEADQUARTERS STATE OF MISSOURI, ADJUTANT-GENERAL'S OFFICE, *St. Louis, October 27, 1863.*

* * * * * * *

III. As Missouri must furnish its quota of troops under the President's late call for 300,000 men, it is important that all recruiting within the limits of the State should be confined to Missouri regiments only; and, to this end, recruiting for regiments of other States is *strictly forbidden*, and all persons engaged in such undertakings are *hereby warned that any recruits which they may obtain will be taken from them and placed in Missouri regiments*, and they themselves will be arrested and punished for violation of this order.

By order of the Commander in Chief:

JOHN B. GRAY, *Adjutant-General.*

[Annual Report Adjutant-General of Missouri, 1863, p. 41.]

At the beginning of the year 1864 but one regiment of Missouri volunteers, the Twelfth Cavalry, was in process of organization. It was fully organized and turned over to the United States authorities on the 25th of March, 1864. (Annual Report Adjutant-General of Mis-

souri, 1864, p. 5.) On the 9th of June, 1864, in a letter of which the following is a copy, the governor of the State was authorized to raise two regiments of infantry:

WAR DEPARTMENT,
PROVOST-MARSHAL-GENERAL'S OFFICE,
June 9, 1864.

GOVERNOR OF MISSOURI, *St. Louis, Mo.*

SIR: On the recommendation of Major-General Rosecrans by indorsement on a letter dated the 17th ultimo, from the Hon. H. S. Boyd, relative to raising additional troops for the protection of the southwest part of the State, you are hereby authorized to raise two regiments of volunteer infantry under the following conditions:

First. The regiments to be recruited to serve three years or during the war, the recruitment to be conducted in the State of Missouri.

Second. The regiments to be recruited without conditions as to place of service.

Third. The first regiment must be completely organized and mustered into the United States service before the second one is commenced.

Fourth. The organization, musters, and recruitment of the force must conform strictly to the requirements of the mustering and recruiting regulations, including General Orders, No. 131, current series, from the Adjutant-General's Office.

Fifth. The first regiment must be complete within the period of sixty days from the date of acceptance of this authority by you.

I have the honor, etc.,

JAS. B. FRY,
Provost-Marshal-General.

[Official Records of the Union and Confederate Armies, Series III, Vol. IV, p. 425.]

It does not appear that either of the regiments thus authorized was raised.

In December, 1863, authority was given by the War Department for the reenlistment of members of the Missouri State Militia as veteran volunteers in the United States service, without conditions as to the place of their service, and on June 10, 1864, the War Department authorized the formation of regiments from the reenlisted men and such other members of the State militia as should be willing to reenlist for unconditional service. This authority was granted in a letter of which the following is a copy:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
June 10, 1864.

Maj. Gen. W. S. ROSECRANS,
Commanding Department of the Missouri, St. Louis, Mo.

GENERAL: In answer to your indorsement of the 1st instant relative to veterans and reenlistments in and from the Missouri State Militia, the same having been submitted to the War Department by his excellency the governor of Missouri, I am directed by the Secretary of War to communicate the following:

I. You are authorized to collect the veteran volunteers reenlisted from the regiments of the Missouri State Militia and form them into a regiment, or in case the number reenlisted is not sufficient to form a regiment, into a battalion.

II. If there are other men in the regiments of Missouri State Militia who desire to reenlist for unconditional volunteer service, they may do so, and will be received under the following conditions:

1. The number in each regiment will be ascertained, discharged, and reenlisted for three years or during the war.

2. After the detachments from the respective regiments have been reenlisted they will be collected and formed into one or more regiments, depending on the total number, one regiment, however, to be completely organized before an additional one is commenced.

3. The regiments as rapidly as formed will be mustered into service with minimum regimental organization.

4. The men reenlisting will receive the bounty provided by law, namely, the $100 authorized by the act of July, 1861 (General Orders, No. 49), the same to be paid under the regulations promulgated in General Orders, No. 163, series of 1863, from this office.

5. The discharges from the militia regiments and the musters into and formation of the new regiments will be under the direction of the commissary of musters for the department and his assistants.

6. The new regiments as herein authorized will be organized and mustered into service in accordance with the requirements of the mustering regulations.

I am, general, etc.,

E. D. TOWNSEND,
Assistant Adjutant-General.

[Ibid., p. 428.]

Under the authority quoted above, general orders were issued by Major-General Rosecrans, who had succeeded to the command of the Department of the Missouri, as follows:

GENERAL ORDERS, No. 128. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, Mo., July 22, 1864.*

Under instructions from the War Department (dated June 10, 1864) a regiment of veteran volunteer cavalry, to be designated the Thirteenth Missouri Volunteer Cavalry, will be organized with as little delay as practicable, from the veterans of the Missouri State Militia force, and from such of the nonveterans of that force as choose to reenlist in the new organization, under the conditions prescribed in the letter of instructions.

The veterans of the Sixth Missouri State Militia Cavalry, now at Benton Barracks, will constitute the nucleus of the new organization. The veterans of all the other regiments of the Missouri State Militia will be at once sent under commissioned officers detailed by district commanders to Benton Barracks, for organization into companies, after which, should the exigencies of the service permit, all who have not heretofore received it will receive the usual veteran furlough of thirty days.

In each of the Missouri State Militia regiments a captain and first lieutenant will be selected by the commanding officer thereof to recruit in the regiment for the new organization. These officers will be selected with care as the best representatives of their grade in the regiment, and will be eligible for appointment in the new organization should they succeed in securing enough recruits to form a company. These officers will report to Col. Jno. V. Du Bois, chief of cavalry of the department, from time to time, their success in recruiting, and when they have enough men to constitute a maximum cavalry company will receive further orders for the discharge and remuster of the men.

The nonveterans who reenlist will be required to enlist for three years or the war, and receive the bounty of $100, provided by the act of Congress approved July 1, 1861 (see General Orders of War Department, No. 49, of 1861), the bounty to be paid under the regulations promulgated in General Orders, No. 163, series of 1863, from the War Department.

In the new regiment no men will be received with private horses. The mounts will be furnished by the Government.

As a check upon improper selections of officers for the new regiment, it is to be understood that all officers may be at any time ordered before a board of officers for examination as to their qualifications and fitness for command.

By command of Major-General Rosecrans:

O. D. GREENE,
Assistant Adjutant-General.

GENERAL ORDERS, No. 158. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, Mo., August 31, 1864.*

So much of General Orders, No. 128, current series, from these headquarters, as directs the commanding officer of each of the Missouri State Militia regiments to select a captain and first lieutenant to recruit in their respective regiments for the Thirteenth Regiment Missouri Veteran Cavalry is hereby revoked; recruiting details for this regiment will be made in future from these headquarters.

All the reenlisted men (veterans and nonveterans) of the Missouri State Militia regiments who have reenlisted for the three years' service at the date of the receipt of this order will be sent at once, under suitable conduct, with their descriptive lists, to Benton Barracks, Mo., to be organized into companies.

Commanding officers of regiments and detachments will report by telegraph to these headquarters the number of men who have reenlisted in their respective commands, and who are to be sent to Benton Barracks under the provisions of this order.

By command of Major-General Rosecrans:

O. D. GREENE,
Assistant Adjutant-General and Chief of Staff.

GENERAL ORDERS, No. 162. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, Mo., September 7, 1864.*

The organization of the Thirteenth Missouri Volunteer Cavalry having been completed, another regiment will at once be organized under the same authority, and under the same general conditions governing in the organization of the Thirteenth (see General Orders, 128, from these headquarters), which will be designated as the Fourteenth Missouri Volunteer Cavalry.

Officers will be detailed from these headquarters for recruiting for the regiment from the Missouri State Militia. Applications for permission to recruit will be forwarded to these headquarters through the ordinary channel.

Officers receiving recruiting details will at once signify their wishes with regard to entering the new regiment; but, whether desiring commissions therein or not, will enter vigorously upon the duty and continue thereupon until duly relieved. They will make frequent reports direct to these headquarters as to their success in recruiting.

Nonveterans of the Missouri State Militia are officially informed that no effort will be spared to make this one of the very best regiments raised in the State, and that no officers will be recommended for or appointed to positions in it who have not tried and approved qualifications for their respective grades.

In addition to his present duties, Col. E. C. Catherwood, of the Thirteenth Missouri Cavalry, is (temporarily) assigned to the duty of organizing the regiment. Benton Barracks is designated as the regimental rendezvous, and to that point all veterans and reenlisted nonveterans of the Missouri State Militia force not absorbed by the organization of the Thirteenth will be sent by district commanders without further orders.

District, regimental, and post commanders are charged to exert themselves to give this order early promulgation to all under their command, and to facilitate all proper efforts of recruiting officers in securing men.

By command of Major-General Rosecrans:

O. D. GREENE,
Assistant Adjutant-General and Chief of Staff.

Under the authority of the War Department and the orders from the department commander one regiment, the Thirteenth Cavalry, was organized, and another regiment, the Fourteenth Cavalry, was partially completed. Of this latter regiment the adjutant-general of the State says in his annual report of 1865, pages 4, 5:

> The Fourteenth Cavalry, under the supervision of the department commander, was in process of organization at the date of the last report by the transfer of such veterans of the Missouri State Militia as had not been assigned to the Thirteenth Cavalry. There not being a sufficient number of these veterans to complete the regiment, authority was obtained to fill it up by volunteering under the laws governing the general recruiting service. Nine companies were [had been] mustered in at the time of the suspension of enlistments, April 13, 1865.

The Fourteenth Cavalry was the last regiment raised in the State of Missouri for three years' service.

Under date of January 30, 1865, authority was given by the War Department to raise six regiments, composed of men enlisted for one, two, or three years, as the recruits might elect (Annual Report Adjutant-General of Missouri, 1865, p. 6), but the suspension of hostilities soon followed and recruiting ceased, the recruits procured under the authority of January 30 being formed into one regiment, the Fifty-first Missouri Infantry.

In this chapter no attempt has been made to show the efforts put forth by the State authorities to secure recruits for the old regiments in the field to fill the quotas of the State under the various calls of the President, the contemporaneous action of the State officials in the organization of regiments for short periods of service, or the action of the United States officials in the drafting of recruits under the enrollment acts. The object has been to show in a general way the history of the organization of the three years' regiments of Missouri volunteers in service during the civil war. That they rendered gal-

lant service in defense of the Union is abundantly shown by the official records.

As to the status of these troops in general, no comment is necessary beyond the mere statement of the fact that they were in the military service of the United States and that the surviving members of the force, and the heirs of those deceased, are entitled to all of the benefits accruing from such service.

It is true that under the administration of Major-General Frémont some organizations not authorized by law were received into the military service of the United States, but the unauthorized organizations were promptly disbanded or converted into organizations having a legal basis, or were, as in the case of the engineer troops, pioneers, and sappers and miners, subsequently legalized by act of Congress. This act, approved July 17, 1862, is as follows:

AN ACT to define the pay and emoluments of certain officers of the Army, and for other purposes.

* * * * * * *

SEC. 20. *And be it further enacted*, That the different regiments and independent companies heretofore mustered into the service of the United States as volunteer engineers, pioneers, or sappers and miners, under the calls of the President or Secretary of War, or by authority of the commanding general of any military department of the United States, or which, having been mustered into the service as infantry, shall have been reorganized and employed as engineers, pioneers, or sappers and miners, shall be, and the same are hereby, recognized and accepted as volunteer engineers, on the same footing, in all respects, in regard to their organization, pay, and emoluments, as the Corps of Engineers of the Regular Army of the United States, and they shall be paid for their services, already performed, as is now provided by law for the payment of officers and noncommissioned officers and privates of the Engineer Corps of the Regular Army.

Approved, July 17, 1862.

[12 Stat. L., pp. 594–597.]

As regards the officers appointed by General Frémont to the organizations formed by him and those mustered into service without appointments or commissions, they were finally commissioned by the governor of the State; and with regard to the nunc pro tunc action of the governor in giving or attempting to give them rank from dates prior to the issue of their commissions, it is necessary only to remark that the remuster act of February 24, 1897, authorizes recognition and payment for service rendered with duly authorized commands from the dates of rank given in commissions issued by competent authority.

The status of the general and staff officers and persons appointed by General Frémont to offices which had no legal existence need not be here considered.

Of the Three Years' Volunteers, 15 regiments, 10 battalions, and 2 independent companies of cavalry, 1 regiment of engineers, 2 regiments and 6 batteries of artillery, 41 regiments and 1 battalion of infantry, 4 companies of pioneers, sappers and miners, and a company designated a "Telegraph Corps" were partially or completely organized. Some of these were disbanded after a short period of service because of their illegal organization or because of an unlawful limitation in their contracts of service; some were consolidated to form complete organizations, and others were transferred to the States from which a majority of their members were recruited. As finally reorganized and held to service as Missouri volunteers the force included 13 regiments of cavalry, 2 regiments of artillery, 1 regiment of engineers, and 23 regiments of infantry. These do not include the United States Reserve Corps regiments organized for three years' service, which are treated under their appropriate title.

SIX OR TWELVE MONTHS' VOLUNTEERS.

Under date of August 6, 1861, Hon. John S. Phelps and Hon. Frank P. Blair, jr., members of the House of Representatives from the State of Missouri, addressed to the President a letter, in which they recommended the organization of a volunteer force to serve for six months, "to be employed in preserving peace and quiet" in the State of Missouri, to repel threatened invasion, "to remove the seat of war from among the people of that State to the southward, to invade Arkansas, and to keep the Indians west of that State under subjection." Following is a copy of the joint letter of Messrs. Phelps and Blair on this subject:

The PRESIDENT.

SIR: An invasion of the State of Missouri by troops under the command of General McCulloch has taken place. Other invasions of that State are threatened by troops from the States of Arkansas and Tennessee.

We recommend you receive into the service of the United States from the State of Missouri troops to serve for six months, to be employed in preserving peace and quiet in that State, and to repel the threatened invasion, and to remove the seat of war from among the people of that State to the southward, to invade Arkansas, and to keep the Indians west of that State under subjection.

If this suggestion shall be adopted I recommend 5,000 stand of improved arms in addition to those already sent to Missouri be forthwith sent, with a proper supply of clothing, camp and tent equipage, ammunition, and means with which to obtain commissary and other quartermaster supplies, and also medical supplies, etc.

Arms for cavalry and equipments should also be furnished for a battalion or regiment of mounted men, to be raised in southwest Missouri, in addition to the arms before mentioned. Arms will be needed when Arkansas shall be invaded to arm men of that State who are Union men and willing to enter the military service of the United States.

The munitions of war we have mentioned we think should be sent to Springfield, Mo., for use at that point and its vicinity.

JOHN S. PHELPS.
FRANK P. BLAIR, Jr.

HOUSE OF REPRESENTATIVES, *August 6, 1861.*

[P. 157, Book No. 2, Secretary of War.]

This letter was indorsed by the President as follows:

EXECUTIVE MANSION, *August 7, 1861.*

Honorable SECRETARY OF WAR.

MY DEAR SIR: The within paper, as you see, is by Hon. John S. Phelps and Hon. Frank P. Blair, jr., both members of the present Congress from Missouri. The object is to get up an efficient force of *Missourians* in the southwestern part of the State. It ought to be done, and Mr. Phelps ought to have general superintendence of it. I see by a private report to me from the Department that eighteen regiments are already *accepted* from Missouri. Can it not be arranged that *part* of them (not yet organized, as I understand) may be taken from the locality mentioned and put

under the control of Mr. Phelps? And let him have discretion to accept them for a shorter term than three years, or the war; understanding, however, that he will get them for the full term if he can. I hope this can be done, because Mr. Phelps is too zealous and efficient, and understands his ground too well for us to lose his services. Of course provision for arming, equipping, etc., must be made. Mr. Phelps is here and wishes to carry home with him authority for this matter.

Yours, truly,

A. LINCOLN.

Under the authority of the President embodied in the indorsement quoted above, Mr. Phelps was authorized by the Acting Secretary of War to organize five regiments of infantry and one regiment of cavalry, to serve six months or such longer period, not exceeding the duration of the war, as the men might elect. This authority was granted in a letter of which the following is a copy:

WAR DEPARTMENT, *August 8, 1861.*

Hon. JOHN S. PHELPS, *Springfield, Mo.*

SIR: By direction of the President of the United States, I am authorized to accept from you five regiments of infantry and one regiment of cavalry for six months, or such longer period, not exceeding the duration of the war, as the respective regiments may be enlisted for—the several regiments to be ready for marching orders within sixty days from this date.

This acceptance is with the distinct understanding that this Department will revoke the commissions of all officers who may be found incompetent for the proper discharge of their duties.

You will promptly advise Adjutant-General Thomas the earliest day at which your regiments will be ready for mustering, and he will issue the necessary instructions to muster by companies and to subsist the men.

Your requisitions for arms and equipments should be made to Quartermaster-General Meigs and General Ripley, Chief of Bureau of Ordnance, without delay.

I am, sir, very respectfully, your obedient servant,

THOMAS A. SCOTT,
Acting Secretary of War.

[Military Book, No. 45, p. 239.]

On August 9, 1861, Mr. Phelps addressed Major-General Frémont, commanding the Western Department, on the subject of his project as follows:

WASHINGTON CITY, *August 9, 1861.*

Maj. Gen. JOHN C. FRÉMONT, *St. Louis, Mo.*

GENERAL: I made representation to the President that I was desirous to raise in southwest Missouri five regiments of infantry and one regiment of cavalry to serve in Missouri, in Arkansas, and the Indian country west of Arkansas, with the distinct understanding that these troops should be so stationed that on first Monday of November all who were qualified to vote might vote in State election for State officers and on question of ratifying the acts of the convention. I desire to organize these troops as a brigade under our State law and shall serve with them. I wish to command these troops. They will compose a part of your army and I desire your cordial approval of this movement.

I could not perceive that this arrangement could in the least embarrass, but on the contrary would aid you. The Home Guards, as you are aware, have not a legal organization. Not an officer of those guards is commissioned. Under our State law I propose the officers of these troops shall be commissioned.

Inclosed you have a copy of the letter of Acting Secretary of War to me.

I have a prospect of obtaining some Enfield rifles, but may be disappointed. I am waiting for arms, and if I do not get them before I leave fear I will not get them. I wish to obtain the best arms I can, as the men who I expect will enter the service are accustomed to the use of firearms and in a short time can be made good soldiers.

Yours, respectfully,

JOHN S. PHELPS.

I shall come to St. Louis as soon as I can, consistent with the object I have in view. If General Lyon can maintain his position at Springfield I can raise the troops in a short time, but if he shall be compelled to retire and the country shall be occupied by the enemy, I shall be delayed in the raising of troops.

Will you request Governor Gamble to aid me in this matter? I wrote him yesterday. I have no doubt he will aid me. Will send him a copy of letter of Secretary of War to me.

PHELPS.

[1268, V. S., 1881.]

No further correspondence relative to the proposed organization of a military force by Mr. Phelps has been found of record, but it appears that he succeeded in organizing one regiment or battalion of eight companies, of which he was commissioned colonel by the governor of the State. This regiment, known as Phelps's Regiment, Missouri Volunteers, was organized at Rolla, Mo., during the fall of 1861, and was mustered into the service of the United States for the period of six months. It was actively engaged against the enemy, participating in the battle of Pea Ridge, Ark.

This regiment has been classed as a cavalry regiment by the adjutant-general of Missouri, but there is nothing in the rolls or other records of the regiment to show that it was mounted.

During the summer of 1864, while the invasion of the State of Missouri by the Confederate General Price was impending, and in preparation for the defense of the State against the expected invasion, it was found expedient to organize volunteer regiments for service during the period of twelve months, or to accept them for six months' service if they could not be procured for the longer term.

It appears that the question of the organization of a number of six months' regiments was discussed at a personal interview between the Secretary of War and the governor of Missouri in June, 1864 (Annual Report Adjutant-General of Missouri, 1864, p. 7), but for some reason the desired authority was not then granted. Later, however, on July 18, 1864, the conditions of the State had become so threatening that Major-General Rosecrans, commanding the Department of the Missouri, telegraphed the Secretary of War suggesting that if additional troops could not otherwise be procured, authority be given for the organization of a force of Missouri volunteers for the defense of the State. Following is a copy of his telegram:

ST. LOUIS, *July 18, 1864.*

Hon. E. M. STANTON:

I regret to say matters in north Missouri are very disturbed and threatening. Union men are fleeing from the river counties and central part of the State. The malcontent spirits, and uprising of bushwhackers, with threats from the conspirators, are ominous of evil. The robbery of four towns, and the hanging of nine Union men in one of them, compelled me to take the First Iowa Cavalry Veterans, on their way down to Memphis, to give temporary relief over there. Informing you of these things, I suggest that we will be obliged to have some other troops here, and if nothing better can be done, the state of things would be best met from our own resources, by authority from me to accept the services of, say, 5,000 volunteers for the defense of the State, in companies, to be armed, equipped, and paid by the Government.

W. S. ROSECRANS, *Major-General.*

[Official Records of the Union and Confederate Armies, Series I, Vol. XLI; Part II, p. 234.]

To this telegram the Secretary of War replied:

WASHINGTON, D. C., *July 18, 1864.*

Major-General ROSECRANS:

Your telegram of this date has been received and submitted to the President for his directions, which will be communicated to you immediately upon their being given by him.

EDWIN M. STANTON,
Secretary of War.

[Ibid., p. 235.]

On July 22, 1864, General Rosecrans again invited the attention of the Secretary of War to the pressing need of troops in Missouri. He said:

HEADQUARTERS, *St. Louis, Mo., July 22, 1864.*

Hon. EDWIN M. STANTON, *Secretary of War:*

What I feared and telegraphed you about has come to pass. We are having a very serious rising in north Missouri, and have grave reason to think a powerful cooperative raid may come from Arkansas. The following rebel officers are north of the river: General Jackman, Colonels Thornton, Perkins, White, and Percy. They are reported at Plattsburg and Kingston with 2,000 men yesterday. We had only eight companies of Missouri State Militia cavalry north of the river when the movement began. I have sent two fractions of regiments of veterans up by the North Missouri Railroad. You must bear in mind that the stores, depots, arsenal, etc., of this place are now mainly guarded by raw militia called out for thirty days. It will be sufficiently obvious how this stands as a matter of military prudence. I think I have established some credit for prudence and foresight, and in my judgment I ought to have some troops from abroad to guard this depot and the prisons, and authority to call out and arm volunteers for some definite period in consonance with law and policy to meet exigencies which may arise.

* * * * * * *

W. S. ROSECRANS, *Major-General.*

[Ibid., p. 332.]

And on the following day, July 23, 1864, General Rosecrans was authorized to "call out and arm for service," for such period as in his opinion the exigency might require, "such force of volunteers" in his department as might be deemed necessary for "its security and for the protection of the depots, prisons, and public property therein." This authority was given in a letter of which the following is an extract:

WASHINGTON, D. C., *July 23, 1864.*

Major-General ROSECRANS:

The Secretary of War directs me to inform you that you are authorized to call out and arm for service, for such period as in your opinion the exigency may require, such force of volunteers in your department as may be deemed necessary for its security and for the protection of the depots, prisons, and public property therein, reporting to the Adjutant-General a copy of such call, and making upon the proper bureaus requisitions for arms and supplies. * * * The Secretary further direct me to say that there are not any troops at the disposal of the Department that can be sent you from abroad, and that if there were any they would be sent. He directs that you communicate to Major-General Canby, commanding the division to which your department belongs, the military condition and necessity of your department, in order that he may render you any aid and supply any force that may be in his power.

E. D. TOWNSEND,
Assistant Adjutant-General.

[Ibid., p. 358.]

Upon the receipt of this authority, and after a conference with the governor of the State (Annual Report Adjutant-General of Missouri, 1864, p. 11), General Rosecrans issued a general order calling for "nine regiments of six and twelve months' volunteers," the regiments to be recruited for twelve months' service if they could be promptly raised for that period; otherwise to be accepted for six months. Following is a copy of the order:

GENERAL ORDERS, No. 134. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, Mo., July 28, 1864.*

Missourians:

1. Rebel officers and soldiers from Price's army have been sent or permitted to come among you to recruit, rob, plunder, and murder, as best they can, in violation of the laws of war and of humanity. Spread over the country, with robbers and desperadoes from home and abroad, they carry spoliation, terror, and death into dis-

tricts where peace and quiet should reign undisturbed, and they add to the distress of the people whom they drive to the brush, or compel to abandon their crops and avocations, and to stand guard over their own lives—by terrorism—by threatening them with raids from Shelby and Marmaduke, or the invasion of the State by the rebel army.

To enable you to cope with small, roving squads of guerrillas, the commanding general urged you, in General Order 107, to organize, and select trustworthy companies of your citizens, to be armed and empowered to act as Provisional Enrolled Militia for local defense, and trusts you will complete the rolls, carefully revise, and submit them, through the channels prescribed, for his approval, without delay.

But to meet emergencies and outbreaks, like those in north Missouri, and to be prepared for future threatened dangers, without the distressing, expensive, and inconvenient resort to calling out the militia on every occasion, he has received authority from the War Department to call out such number of volunteers, and for such periods of service as he may deem necessary.

Under this authority he calls on the gallant and loyal people of Missouri for *nine regiments of six and twelve months' volunteers*, to be organized and mustered into the United States service at the following designated points:

Two regiments at Benton Barracks, St. Louis, Mo.
One regiment at St. Joseph, Mo.
One regiment at Macon, Mo.
One regiment at Hannibal, Mo.
One regiment at Rolla, Mo.
One regiment at Pilot Knob, Mo.
One regiment at Sedalia, Mo.
One regiment at Springfield, Mo.

In all cases these regiments will be recruited for twelve months' service when they can be promptly raised for that period; otherwise they will be accepted for six months.

II. Organizations of volunteers by companies, or half companies, whether from the militia or elsewhere, reporting to the district commander, will be at once accepted, subject to the United States Mustering Regulations, and on his approval mustered into the service of the United States by the officers assigned for that purpose. The officers will be commissioned by the governor, on the recommendation of the United States district commander, with the approval of the general commanding the department.

III. Field officers of regiments and battalions, on like recommendation and approval, will be commissioned and mustered in, so soon as their commands have the legal numbers.

IV. The assistant commissaries of musters of districts are assigned to duty as mustering-in officers for this organization, and will make their reports in that connection *direct* to Col. E. B. Alexander, United States Army, superintendent volunteer recruiting service for the State.

V. Volunteers or militia now in service under the recent emergencies have the thanks of the commanding general for their prompt and patriotic response to the call of the country in which they have periled life, serving at their own expense; and are informed that as far as practicable they will be mustered in to cover the period of their actual service as citizens.

VI. The commanding general calls attention to the great importance to all concerned of selecting for officers none but capable, brave, loyal, honest, sober, and industrious and law-abiding men. He hopes that every word of this may be fully weighed, assuring them that in his experience most of the demoralization, suffering, and inefficiency which it has been his lot everywhere to see has arisen from not taking due precaution in the selection of officers. Let soldiers beware especially of *good, easy fellows*, who have not the independence and energy of character to command. Misery, demoralization, and favoritism will be their lot under all such commanders.

VII. United States district commanders will give strict attention to this, aiding in the selection, and recommending none without satisfactory evidence of fitness for command.

VIII. The organization of these troops will be under the direction of the adjutant-general of the State, and correspondence, rolls, and recommendations for commissions, approved by the United States district commanders, as has been directed, will be addressed to Brig. Gen. John B. Gray, adjutant-general, St. Louis, Mo.

IX. District commanders will make the necessary requisitions for arms, clothing, camp and garrison equipage and subsistence, and supply these volunteers in accordance with general orders and Army Regulations.

The commanding general confidently expects a prompt and cordial response to

this call, and invokes the efforts of the entire loyal people, uniting with their governor and the department commander to have these troops ready for service in a very few days.

By command of Major-General Rosecrans:

O. D. GREENE, *Assistant Adjutant-General.*

It will be observed from the terms of this order that the officers of the new regiments were to be commissioned by the governor of the State, upon the recommendation of United States district commanders, with the approval of the commanding general of the Department of the Missouri.

On August 1, 1864, General Rosecrans advised the War Department that he had called for nine regiments of twelve months' volunteers, and would probably call for three more if they could be raised. Following is a copy of his telegram of that date:

ST. LOUIS, MO., *August 1, 1864.*

Col. E. D. TOWNSEND, *Assistant Adjutant-General:*

I have already called for nine regiments of twelve months' volunteer infantry, and will probably call for three more if they can be raised. With these we shall be able to organize the Missouri State Militia now in service and enforce the draft.

W. S. ROSECRANS, *Major-General.*

[Ibid., p. 504.]

On the 9th of August a general order was issued from State headquarters concerning the details of organization and announcing the designations of the regiments to be formed. This order reads as follows:

GENERAL ORDERS, No. 30.

HEADQUARTERS STATE OF MISSOURI, ADJUTANT-GENERAL'S OFFICE, *St. Louis, August 9, 1864.*

I. Inasmuch as many inquiries are daily being made regarding the details of the organization of the regiments which are proposed to be raised in this State, under General Orders, No. 134, current series, headquarters Department of the Missouri, the following announcement is made for the information of all concerned:

First. The above-named regiments will be organized and mustered into service as infantry regiments, and upon the authorized infantry basis. No cavalry regiments are permitted to be raised, and no authorization to raise regiments, or parts of regiments, for that arm of the service, can, therefore, be made. This restriction will not, however, prevent the general commanding the department from mounting such portion of the force as he may deem necessary for scouting purposes, etc.; and as the pay and emoluments of the cavalry and the infantry soldier are made alike by the late act of Congress, no objection to enlistments in this respect can be offered.

Second. Regiments or companies will be accepted for either six or twelve months from date of muster. The latter term is, however, to be preferred, inasmuch as each person so enlisting will be credited to the quota of his locality upon the approaching draft, and will receive from the United States a bounty of $100 for such enlistment, in addition to any local bounty that may be offered. On the other hand, six-months' men receive no bounty; can not be credited to the quotas of their respective localities, although they will be individually exempt from draft while they are in the United States service, if such exemption is duly claimed.

Third. The following regimental organizations have been decided upon, together with their commanding officers and places of rendezvous; and their recruitment and formation will be governed by existing orders and regulations controlling the United States recruiting service:

The Thirty-ninth Regiment Missouri Volunteers, Col. E. A. Kutzner, to rendezvouz at Hannibal, Mo.

The Fortieth Regiment Missouri Volunteers, Col. Samuel A. Holmes, to rendezvous at St. Louis, Mo.

The Forty-first Regiment Missouri Volunteers, Col. J. Weydemeyer, to rendezvous at St. Louis, Mo.

The Forty-second Regiment Missouri Volunteers, Col. R. J. Eberman, to rendezvous at Macon City, Mo.

The Forty-third Regiment Missouri Volunteers, Col. Chester Harding, jr., to rendezvous at St. Joseph, Mo.

The Forty-fourth Regiment Missouri Volunteers, Col. R. C. Bradshaw, to rendezvous at St. Joseph, Mo.

The Forty-fifth Regiment Missouri Volunteers, Col. T. A. Switzler, to rendezvous at Warrensburg, Mo.

The Forty-sixth Regiment Missouri Volunteers, Col. S. H. Boyd, to rendezvous at Springfield, Mo.

The Forty-seventh Regiment Missouri Volunteers, Col. T. C. Fletcher, to rendezvous at Pilot Knob, Mo.

The Forty-eighth Regiment Missouri Volunteers, Col. W. H. Blodgett, to rendezvous at Rolla, Mo.

The Forty-ninth Regiment Missouri Volunteers, Col. D. P. Dyer, to rendezvous at Warrenton, Mo.

By order of the Commander in Chief:

JOHN B. GRAY, *Adjutant-General.*

[Annual Report Adjutant-General of Missouri, 1864, p. 12.]

The people of the State responded promptly, and the nine regiments called for, besides the Fiftieth Regiment, which was also authorized, were speedily organized and placed in the field, participating in the defense of the State against invasion, and some of them were subsequently sent to distant fields of service outside of the State of Missouri. Four of the regiments (the Fortieth, Forty-first, Forty-third, and Forty-ninth) were mustered into service for twelve months, six (the Thirty-ninth, Forty-second, Forty-fourth, Forty-fifth, Forty-eighth, and Fiftieth regiments) were mustered in for different periods of service, six and twelve months, and two (the Forty-sixth and Forty-seventh regiments) were accepted for the period of six months.

As the terms of service of the six-months' men approached completion the adjutant-general of the State applied to the War Department for authority for their reenlistment for another term of six months, dating from their original enlistments, thus entitling the men to the Government bounty and giving the State credit for their services as twelve months' men, no credit being allowed on the quota of the State for six months' enlistments. Following is a copy of the letter of the adjutant-general on this subject:

HEADQUARTERS STATE OF MISSOURI,
ADJUTANT-GENERAL'S OFFICE,
St. Louis, January 17, 1865.

Hon. E. M. STANTON, *Secretary of War.*

SIR: Applications are being made to this office to allow the men who enlisted for six months under General Orders, No. 134, from headquarters Department of the Missouri, dated July 28, 1864, to reenlist for six months and be considered twelve months' men, dating from their first enlistment, allowing them bounty and giving the State credit for them as twelve months' men. The term of service of the six months' men organized under the above order will expire during the next three months. They did good service in this State during the recent invasion by General Price. Four of the regiments are now in the army of General Thomas in Tennessee.

I respectfully ask that an order be made permitting them to reenlist for six months longer, giving them bounty and crediting the State with them from the date of their first enlistment.

I am, very respectfully, your obedient servant,

SAMUEL P. SIMPSON,
Adjutant-General.

[Official Records of the Union and Confederate Armies, Series III, Vol. IV, p. 1058.]

It was evidently a matter of considerable interest to the State that this request should be granted, in view of the impending draft under the President's call of December 19, 1864, for 300,000 men, but the

request was not favorably considered by the War Department, as evidenced by the following from the Provost-Marshal-General:

WASHINGTON, D. C., *January 27, 1865.*

ADJUTANT-GENERAL OF MISSOURI, *St. Louis, Mo.:*

It is not deemed expedient to authorize the six months' men to reenlist for six months longer, as requested in your letter of January 17.

JAMES B. FRY, *Provost-Marshal-General.*

[Ibid., p. 1086.]

It will be seen from the foregoing that, including Phelps's regiment, organized in 1861, eleven regiments of six or twelve months' volunteers were organized in the State of Missouri during the civil war. Their status was that of volunteers in the military service of the United States.

ONE, TWO, OR THREE YEARS' VOLUNTEERS.

On December 19, 1864, the President issued a proclamation calling for 300,000 volunteers to serve for one, two, or three years, the quota of the State of Missouri being 13,984. (Official Records of the Union and Confederate Armies, Series III, Vol. IV, p. 1002.)

To meet this requisition several propositions were made by the State authorities. The adjutant-general of the State, in a personal interview with the Secretary of War, offered, verbally, a plan for the reorganization of the old cavalry regiments of Missouri Volunteers by their recruitment from the Missouri State Militia. Returning from Washington to St. Louis he made his proposition in the form of a letter, dated December 24, 1864, of which the following is a copy:

HEADQUARTERS STATE OF MISSOURI,
ADJUTANT-GENERAL'S OFFICE,
St. Louis, December 24, 1864.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

SIR: When I saw you in Washington last week, and offered verbally a plan for the reorganization of the old cavalry regiments of Missouri Volunteers by a system of recruiting out of the Missouri State Militia force, you expressed your unwillingness to issue any order in the premises until the present department commander, Gen. G. M. Dodge, could be consulted and his views ascertained. In accordance with your decision, therefore, I will offer in writing the plan I was instructed by his excellency the governor to propose, and invite your attention to such indorsement as General Dodge may make upon this communication:

First. The term of service of the peculiar force known as the Missouri State Militia commences to expire during the present month, and (with exception of a small proportion of recruits who have been enlisted at various times since its organization) it will all be mustered out of service during the next six months. Its aggregate strength, as shown by the last returns received, is in the neighborhood of 8,000 men. One regiment of veterans, the Thirteenth Missouri Cavalry Volunteers, has already been raised out of it; another has been commenced—the Fourteenth Cavalry—and will, I have reasons to believe, be speedily completed, 250 men being already at the rendezvous as a nucleus. Say 1,000 men will be required to fill up the latter regiment; we have then an aggregate of about 7,000 left in the force, which can be made available toward filling up our old cavalry regiments of volunteers.

Second. The regiments of Missouri cavalry volunteers whose term of service as regiments has expired, or is about to expire, are stationed and composed as follows:

First Regiment Missouri Cavalry Volunteers, Little Rock, Ark, say 600 men.
Third Regiment Missouri Cavalry Volunteers, Little Rock, Ark., say 500 men.
Fourth Regiment Missouri Cavalry Volunteers, Memphis, Tenn, say 450 men.
Sixth Regiment Missouri Cavalry Volunteers, Baton Rouge, La., say 500 men.
Seventh Regiment Missouri Cavalry Volunteers, Little Rock, Ark., say 550 men.

It is proposed that these regiments be ordered into the State of Missouri for purposes of reorganization and recruitment out of the Missouri State Militia force, and that an equal number of volunteers, now in the State, be sent to replace them. These regiments are mostly dismounted at the present time, while those which can be sent to replace them have a good mount.

By a judicious selection of officers out of the Missouri State Militia, who shall be given positions in these regiments (as there are plenty of vacancies both of field and company), in accordance with the number of men they recruit.

By the granting of a furlough of twenty days, say, for each man who reenlists for two years, and of thirty days for three years' enlistments, as an additional inducement to the ordinary bounties, it is believed that the five regiments above named can be filled with veteran soldiers in time for the spring campaign.

I am fully impressed that the result can not be accomplished by sending recruiting parties to the State from these regiments. The regiments themselves must be sent here and stationed among the Missouri State Militia regiments. It is natural that the men should wish, in many instances, to enlist under their old officers, and it will be difficult to procure their enlistment upon mere promises that they shall be appointed. Again, the most favorable results would be accomplished by permitting the two forces to serve together for a while; acquaintances would be formed by actual association, which would go far toward encouraging the desired reenlistments.

When the Missouri State Militia force goes out of service, the commander of the Department of the Missouri must undoubtedly call for other troops to fill their places, perhaps at the very time when they can not be spared from other sections; but if this plan is consummated he will have a veteran force worth twice its number in raw troops. It is of the utmost importance that there should be no delay experienced, provided you are willing to adopt the plan, inasmuch as the nearer the approach of the expiration of each man's term of service the more difficult will it be to procure his enlistment.

I am instructed to ask also that recruiting parties may be sent from the First and Second Missouri Artillery among the Missouri State Militia at the same time, inasmuch as several of the batteries of the former and one of the latter are greatly depleted, and in some instances have not enough men to work a section properly. I earnestly hope that an order may issue in accordance with this proposition immediately. It is proper for me to add that I have written to General Fry upon this same subject at length in order to have his views expressed regarding it as a recruiting measure.

I have the honor to remain,

Very respectfully, your obedient servant,

JOHN B. GRAY, *Adjutant-General.*

[Official Records of the Union and Confederate Armies, Series III, Vol. IV, p. 1011.]

This proposition was declined by the War Department in a letter, dated January 16, 1865, as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 16, 1865.

ADJUTANT-GENERAL OF MISSOURI, *Saint Louis, Mo.:*

I am directed to inform you that the plan submitted in your letter of the 24th ultimo for reorganizing the old cavalry regiments of Missouri by recruitment from the Missouri State Militia is not approved by the War Department.

THOMAS M. VINCENT, *Assistant Adjutant-General.*

[Ibid., p. 1057.]

On January 11, 1865, a proposition was made by the governor of the State that he be authorized to raise six regiments of volunteer cavalry for service in the State of Missouri. This proposition was embodied in a letter to Major-General Dodge, commanding the Department of the Missouri, of which the following is a copy:

EXECUTIVE DEPARTMENT,
City of Jefferson, January 11, 1865.

Maj. Gen. G. M. DODGE.

GENERAL: Another draft is coming; our State will be depopulated unless something is done to prevent it. Since the enrollment thousands of men are gone into rebel army, and as many more left the State. The loyal men, who have braved everything to stay in Missouri, will all be drafted, and all peaceful avocation be completely abandoned. Can not something be done to save us?

I propose to raise six regiments of cavalry, United States Volunteers, for service in the State during time troops may be necessary here. The ten regiments, Missouri State Militia, are going out of service; will all be out by April next.

If the Department will permit us at once to organize the six regiments, we can get volunteers to fill them, provided we have permission to recruit out of any Missouri regiment whose term of service expires within, say, nine months. Let the term of service of the new regiments be two or three years.

I am confident of being able to raise the regiments if usual bounties are allowed. If you concur in this proposition, will you indorse and forward it to Secretary of War?

Very respectfully, your obedient servant,

THOS. C. FLETCHER.

Will send you copy of military bill in a day or two; have adopted your suggestions. [M. 209, V. S., 1865.]

This letter was indorsed by General Dodge as follows:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, January 14, 1865.

Respectfully forwarded to the War Department. I am satisfied that the successful way to obtain the quota of this State is to allow Governor Fletcher to raise new regiments. We can hold the Missouri State Militia, or a great portion of it, if this is done. We will have to obtain troops to replace the Missouri State Militia; their time expires about the time we may expect trouble in the State. I am doing all I can to have them reenlist, but it is an uphill business, as they are placed on a different footing as to bounties from other troops. I urgently request that the War Department take some action in this matter.

G. M. DODGE,
Major-General, Commanding.

The authority requested by the governor was denied in a telegram from the War Department, dated January 24, 1865, in which, however, the governor was advised that if he desired to raise new regiments of volunteer infantry for general service, without conditions as to enlistments from the Missouri State Militia, the necessary authority would be given. Following is a copy of the War Department telegram:

WAR DEPARTMENT,
Provost-Marshal-General's Office, January 24, 1865.

GOVERNOR OF MISSOURI, *Jefferson City, Mo.:*

Your letter of 11th instant to General Dodge proposing to raise six regiments of volunteer cavalry has been forwarded to this Department. Authority for additional cavalry can not be granted, as new regiments of that arm are not needed, but if you desire to raise new regiments of volunteer infantry for general service, and without conditions as to recruitment from the Missouri State Militia, please inform me, and authority, say for six new regiments, will be promptly sent you.

JAMES B. FRY,
Provost-Marshal-General.

[Official Records of the Union and Confederate Armies, Series III, Vol. IV, p. 1075.]

Following the proposition of January 11, the adjutant-general of the State, under date of January 17, 1865, requested authority to reenlist the six months' men whose terms of service were expiring for an additional term of six months, dating from their original enlistments, thus securing to the State credits for twelve months' service. This proposition, which, with the reply of the War Department, is quoted in full in the preceding chapter, was also declined.

On the 29th of January, 1865, a new proposal was made. This was that regiments be organized for twelve months' service in the State of Missouri, the proportions of infantry and cavalry to be determined by the commanding general of the Department of the Missouri. This new proposition was embodied in a letter (or possibly a telegram) to the Secretary of War, of which the following is a copy:

EXECUTIVE DEPARTMENT,
Jefferson City, Mo., January 29, 1865.

Hon. E. M. STANTON,
Secretary of War, United States.

SIR: I have the honor to submit that the condition of Missouri justifies me in making and the United States in accepting the following proposition: That I will

call out and organize for twelve months' service in the State of Missouri the number of men embraced in the quota of the State, under the recent call of the President, in such proportions of infantry and cavalry as the commanding general of this department may direct, they to be accepted in satisfaction of the quota of the State.

I am, very respectfully, your obedient servant,

THOS. C. FLETCHER,
Governor of Missouri.

[Ibid., Series I, Vol. XLVIII, Part I, p. 678.]

On the same date another communication embodying the same proposition in another form was addressed to the Secretary of War, as follows:

EXECUTIVE DEPARTMENT,
Jefferson City, Mo., January 29, 1865.

Hon. E. M. STANTON, *Secretary of War.*

SIR: I propose to raise a force equal in number to the quota of the State under call of December 19, 1864 (13,984 men), for, say, one year for service in the State, while troops are necessary in this department, in such proportion of infantry and cavalry as the major-general commanding may direct, such force to be credited to our quota under said call.

Very respectfully, your obedient servant,

THOMAS C. FLETCHER,
Governor of Missouri.

[Ibid., Series III, Vol. IV, p. 1090.]

The letter last quoted was inclosed in one to the commanding general, Department of the Missouri, of which the following is a copy:

EXECUTIVE MANSION,
Jefferson City, Mo., January 30, 1865.

Maj. Gen. G. M. DODGE,
Commanding Department of the Missouri.

GENERAL: I have the honor herewith to inclose a proposition to Secretary of War for organizing a force of say 14,000 men, for service in Missouri for twelve months, in such proportion of infantry and cavalry as you may direct, to be credited the State on quota under call of December 19, 1864.

You are aware of our condition, and appreciate the hardships of a draft for 13,984 men out of a population worn down with militia duty as ours. The injustice of requiring us to furnish men to the United States service while we are compelled to keep so large a number of our people constantly in service as militia, is so apparent that it needs only to be understood to be acknowledged. Your department has been well-nigh stripped of effective force, the new regiments raised for service in the State are all gone, the Missouri State Militia is rapidly being mustered out; it is necessary now to keep in active service a large number of men organized under General Orders, No. 107, as well as other Enrolled Missouri Militia, for none of which do we get any credits. We will be compelled to keep, say, 14,000 militia in active service, and if we furnish 14,000 on our quota under recent call, the effect is to make us furnish double the number we should be required to furnish, and the people of the State prevented from cultivating their farms. I know you fully understand the condition of the State and the justice of what I have asked of the War Department. Will you please indorse and forward accompanying letter? I have forwarded copy to delegation in Congress.

Very respectfully, your obedient servant,

THOMAS C. FLETCHER,
Governor of Missouri.

[Annual Report Adjutant-General of Missouri, 1865, p. 5.]

No reply to this last proposition has been discovered, but it is stated by the adjutant-general of the State (Annual Report, 1865, p. 6) that "the Secretary of War declined to approve the plan on the ground that the service contemplated was conditional, and an exception would therefore be made in favor of Missouri." However, without waiting for this reply, the governor, on the 30th of January, accepted the proposal of the War Department that he should raise new regiments

of volunteer infantry for unconditional service. His acceptance of the War Department plan was as follows:

HEADQUARTERS STATE OF MISSOURI,
ADJUTANT-GENERAL'S OFFICE,
St. Louis, January 30, 1865.

Gen. JAMES B. FRY,
Provost-Marshal-General, Washington, D. C.:

Please give me authority to raise six regiments of infantry for twelve months' service, as indicated in your telegram of the 24th instant.

THOMAS C. FLETCHER, *Governor of Missouri.*

[Official Records of the Union and Confederate Armies, Series III, Vol. IV, p. 1091.]

The authority requested by Governor Fletcher was immediately granted in a telegram of which the following is a copy:

WAR DEPARTMENT,
PROVOST-MARSHAL-GENERAL'S OFFICE,
January 30, 1865.

GOVERNOR of MISSOURI, *St. Louis, Mo.:*

You are authorized by the Secretary of War to raise six regiments of volunteer infantry under the call of December 19, 1864. The period of service will be for one, two, or three years, as the recruits may elect. The said troops should be mustered into service by February 15 next, in order that they may be credited on the quota of the State under the call before the draft commences.

Incomplete regiments which fail to organize within a reasonable time will be consolidated, so as to form and be mustered in with complete regimental organization.

The recruitment, organization, and musters must conform to existing regulations.

The regiments will be for general service wherever required. In raising them no enlistments from the Missouri State Militia or other troops already in the service of the United States will be sanctioned.

JAMES B. FRY, *Provost-Marshal-General.*

[Ibid., p. 1092.]

Under this authority recruiting was begun for six regiments, the Fifty-first to the Fifty-sixth, inclusive, and continued until the general suspension of recruiting for the volunteer armies, when instructions for the consolidation of the incomplete regiments were issued by the War Department as follows:

WASHINGTON, D. C., *April 14, 1865.*

Governor THOMAS C. FLETCHER, *Jefferson City, Mo.:*

Recruiting has been stopped, and therefore the men enlisted for your new regiments should be consolidated immediately into as many complete regiments as numbers will form.

THOMAS M. VINCENT, *Assistant Adjutant-General.*

[Ibid., p. 1270.]

The result of these instructions, and of the efforts made for the formation of six regiments of Missouri Volunteer Infantry for one, two, or three years' service, was the organization of one regiment, the Fifty-first, which was mustered into service for the period of twelve months. Hostilities having ceased, this regiment rendered no active service, but was employed upon guard and escort duty in St. Louis until its muster out of service, August 31, 1865.

It is evident from the meager results of this last effort to organize volunteer regiments in Missouri that in that State, as well as in other States of the Union, the eagerness manifested in the early days of the war to enter the military service of the United States had, in the closing months of hostilities, become materially relaxed, a condition doubtless due to four years' experience of the dangers and hardships of war.

HOME GUARDS, 1861.

On May 31, 1861, Brig. Gen. Nathaniel Lyon, United States Volunteers, relieved Brigadier-General Harney of the command of the Department of the West, and on the 11th of June he was authorized by the War Department to enlist in the service of the United States such loyal citizens of the State of Missouri as he might think proper, to be armed by the United States, but not to be paid except when called into active service by the War Department. This authority was granted in a letter of which the following is an extract:

WAR DEPARTMENT, *Washington, June 11, 1861.*

General LYON:

You are authorized to enlist in the service of the United States such loyal citizens of the State of Missouri as you think proper, who shall not receive pay except when called into active service by this Department. Five thousand additional stand of arms have been ordered to be forwarded to you for distribution among them.

* * * * * * *

SIMON CAMERON, *Secretary of War.*

[Official Records of the Union and Confederate Armies, Series I, Vol. III, p. 384.]

The letter quoted above is the authority for the organization of the Missouri Home Guards of 1861. The records relative to their organization and service, and even with regard to the authority granted to individuals for the formation of companies and regiments, and the specific conditions of service, are very meager. It appears, however, that some such organizations had an existence even before General Lyon was authorized to make enlistments for local service; that such organizations were subsequently recognized and armed by General Lyon and his successor, Major-General Frémont; that by these officers, and their subordinate commanders, numerous individuals were authorized to enroll companies and regiments of Home Guards, and that such guards rendered valuable service to the Government. Some of them were organized and armed for the purpose of protecting their own homes and neighborhoods, not receiving or expecting to receive compensation therefor, while others were enrolled for more active service, for which they were assured they would have a valid claim for pay. Concerning these irregular organizations, General Chester Harding, jr., adjutant-general of the State of Missouri, said in an official report, dated January 1, 1862:

ADJUTANT-GENERAL'S OFFICE,
St. Louis, January 1, 1862.

His Excellency Governor H. R. GAMBLE:

* * * * * * *

In June, 1861, the Government of the United States sent to the arsenal for distribution among the loyal inhabitants of Missouri 10,000 stand of arms and sets of accouterments. These were placed in the hands of the so-called Home Guards in

different parts of the State. No accurate account can be given of the Home Guards. To the great majority of them these arms and accouterments were given for the purpose of enabling them to protect their own homes and neighborhoods. They expected neither pay nor subsistence from the Government, and made no reports to its authorities. They have been of great service to the State and to the Union cause, and have exhibited much gallantry when brought in contact with the enemy. Besides those armed by the United States, there were probably enough more in the Home Guard organization who furnished their own arms to make the whole number in the State upward of 15,000. There was a class of Home Guards, however, which should properly be considered a part of our volunteer force. These troops were raised under the following circumstances: For a long time Missouri was not permitted to place in the field all men who desired to serve as volunteers for the war. Until late in the summer the State was limited as to the number of regiments that would be accepted, and there was no authority to accept cavalry or artillery. Brigadier-General Lyon, then in charge of this department, desiring to make his entire volunteer force available, enrolled some battalions and companies of Home Guards for three months' service and placed them in charge of a part of our lines of communication. These troops were ordered upon duty as soon as organized, and were kept in active service constantly until their time of enlistment expired. A complete list of them can not be given. The following is an approximate estimate of their number:

Potosi Home Guards	50
De Soto Home Guards	102
Carondelet Home Guards	103
Inks's Battalion	350
Owens's Battalion	400
Hundhausen's Battalion	400
St. Charles Battalion	300
Jefferson City Battalion	200
Hannibal Battalion	304
Total	2,209

These troops, although they were necessarily stationed where they were most exposed to the malarious fevers of the country during the summer and fall without adequate supplies, and although in faithfully performing an important duty they have been more than decimated by diseases, are yet unrecognized and unpaid by the Government.

* * * * * * *

I am, sir, very respectfully, your obedient servant,

CHESTER HARDING, JR., *Adjutant-General.*

[Ibid., Series III, Vol. I, pp. 794–796.]

The author of the report from which the above quotation is made was well qualified to speak with reference to the Missouri Home Guards of 1861, having been himself an assistant adjutant-general on the staff of General Lyon and fully conversant with the whole subject.

The question of the payment of the Home Guards was early brought to the attention of Major-General Frémont, and in a letter from his assistant adjutant-general, dated September 7, 1861, it was stated:

The general commanding does not intend to make any decision in the case, it never having been his intention to order the payment of the Home Guards.

[Book No. 8, Western Department, pp. 498, 499.]

A few days later, on September 12, 1861, another correspondent was advised:

General Frémont has decided not to order the Home Guards to be mustered at all, either for pay or out of service, as they were never mustered in. They are to seek relief through Congress, as it was understood between them and General Lyon that they expected nothing but arms and subsistence.

[Ibid, p. 509.]

On October 25, 1861, the Adjutant-General of the Army addressed the Paymaster-General, cautioning him against the payment of Home

Guards and other troops organized in the vicinity of St. Louis "for duty only in limited localities or upon certain contingencies." His letter is as follows:

ADJUTANT-GENERAL'S OFFICE,
Washington, October 25, 1861.

PAYMASTER-GENERAL, *Washington, D. C.*

SIR: Information having been received that bodies of troops are being formed in and about St. Louis, Mo., which, under the names of "Home Guards," "Reserve Corps," and other appellations, are being mustered into the service of the United States for duty only in limited localities or upon certain contingencies, you are hereby cautioned that such organizations are entirely without authority, and no payments made to them will be sanctioned by the Government.

I am, sir, very respectfully, your obedient servant,

L. THOMAS, *Adjutant-General.*

[Letters Sent, A. G. O., Vol. 33, p. 468.]

It is probable that this letter was intended to apply especially to the Reserve Corps regiments which were at the time in process of organization at St. Louis.

On November 9, 1861, Major-General Halleck was assigned to the command of the newly created Department of the Missouri. In his instructions from Major-General McClellan, commanding the Army of the United States, he was required to examine into the legality of the organization of the troops serving in the department, and when he found any illegal, unusual, or improper organization, to give to the officers and men an opportunity to enter the legal military establishment under the general laws and the orders of the War Department. (Official Records of the Union and Confederate Armies, Series I, Vol. III, p. 568.)

On December 2, 1861, General Halleck was addressed by the War Department as follows:

ADJUTANT-GENERAL'S OFFICE,
Washington, December 2, 1861.

COMMANDING OFFICER OF THE DEPARTMENT OF MISSOURI.

SIR: The Secretary of War directs that such of the Home Guards or Reserve Corps of Missouri as have done active service in Missouri away from their homes be paid for the period thus served in the same manner as other volunteer regiments of their respective arms. You will take such further action in regard to these troops as the interest of the service may demand.

I am, sir, very respectfully, your obedient servant,

L. THOMAS, *Adjutant-General.*

[Official Records of the Union and Confederate Armies, Series III, Vol. I, p. 709.]

This letter was based upon correspondence of which the following is a copy:

WASHINGTON, *November 16, 1861.*

Gen. L. THOMAS, *Adjutant-General United States Army.*

SIR: I have been requested to state, for the information of the Department, the facts relative to the Reserve Corps and Home Guards in the State of Missouri. I was assistant adjutant-general upon the staff of General Lyon at the time of the formation of these corps, and am acquainted with the whole subject. General Lyon authorized parties residing in different parts of the State to organize as Home Guards for their own protection and the preservation of peace in their respective neighborhoods. These were armed by the United States upon proof of their organization being furnished. They were also supplied with ammunition, but were not to receive rations, clothing, or pay. General Lyon also authorized Col. J. W. Owens, Maj. William C. Inks, Captain Nagel, and Captain Cook to raise commands corresponding with their titles, for three months' term, for the purpose of guarding the railroad lines, with the assurance that services which they might render the Government would constitute a valid claim for pay, and that he would use his influence and authority to have this claim recognized. Maj. Josiah Hunt was authorized to raise a battalion

upon the same footing as had been the basis of the St. Louis United States Reserve Corps, viz, that actual service was to be paid for. Each of the officers above named raised their respective command. They were armed, equipped, and furnished with camp and garrison equipage as fast as possible. Clothing was not to be had for troops in the field, and of course the Home Guards got none. They were all ordered upon duty. Colonel Owens's regiment guarded the Pacific Railroad on the Southwest Branch and on a portion of the main line. Major Inks's battalion guarded the line from Franklin to St. Louis; Captain Nagel's company (from Carondelet) guarded the Iron Mountain Railroad from St. Louis to and including the Meramec bridge; Captain Cook's company (from De Soto) guarded another important portion of the same line. Major Hunt was at Hannibal protecting the railroad property there and for some distance west. I omitted to mention Col. (then Maj.) E. Peabody's Reserve Corps at St. Joseph. It was organized upon similar authority to that given to Major Hunt. From the time of the enrollment of Colonel Owens's, Major Inks's, Captains Nagel's and Cook's commands to the expiration of their three months, and longer, these troops were on constant active duty and duty of the most disagreeable nature. To give an instance: Captain Maupin, of Owens's regiment, with a fine company of about ninety men, was ordered to guard the second crossing of the Meramec River, on the Southwest Branch. When he was relieved he had but twenty men fit for duty. The rest were disabled by fever and ague and other diseases incident to that service. That Colonel Peabody's and Major Hunt's commands performed arduous duty also I know, but can not state how much, as they were placed under the immediate control of the commanding officer on the line of the Hannibal and St. Joseph Railroad, and did not report to General Lyon. The United States Reserve Corps of St. Louis (five full regiments) have been paid for term of their enlistment, and the others, in my opinion, are justly entitled to their pay.

I am, sir, very respectfully, your obedient servant,

CHESTER HARDING, Jr.,
Colonel Tenth Missouri Volunteers.

[First indorsement.]

ADJUTANT-GENERAL'S OFFICE, *November 19, 1861.*

Respectfully referred to the Secretary of War, with the recommendation that such of the Home Guards or Reserve Corps of Missouri as have done active service be paid in the same manner as other volunteer regiments.

L. THOMAS, *Adjutant-General.*

[Second indorsement.]

WAR DEPARTMENT, *November 25, 1861.*

Approved, as recommended.

THOMAS A. SCOTT, *Acting Secretary of War.*

[Ibid., pp. 651, 652.]

With a view to the reorganization of the forces of his department in accordance with instructions, General Halleck issued General Orders, No. 14, of 1861:

GENERAL ORDERS, No. 14.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, December 4, 1861.

With a view to the systematic organization of the forces of this department, all commanders of regiments, batteries, troops, and companies, raised under authorizations from any source whatever, now in the service of the United States in this department, will forward certified copies of their "muster-in rolls," including those of the field and staff, as well as those of companies, to these headquarters. The rolls will be accompanied by a letter of advice, stating the present station of the force, giving the town and county, also whether the officers are commissioned, and by whom. These rolls will be forwarded through the commanders of districts, divisions, brigades, or posts, who will see that it is done as promptly as possible. Where there are corps or detachments which have not been mustered, but have been in service, the commanding officer will make affidavit before an officer authorized to administer oaths, that the rolls are correct, and that the men and officers on the rolls thus authenticated have been in service for the period set opposite their respective names, which affidavit will be forwarded with the rolls.

The object of this order being to have commissions furnished to those officers who are without them, and the troops mustered, so that they can be paid and supplied

with clothing and subsistence, in accordance with law and regulations, the interests of the service as well as those of men and officers prompt the utmost diligence in complying with this order. They will be addressed to the assistant adjutant-general at these headquarters, marked on the envelope "Muster-in rolls."

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

On December 9, 1861, the War Department letter of October 25, 1861, quoted in this paper, having been brought to his notice, the commanding general issued the following:

GENERAL ORDERS, No. 21. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, December 9, 1861.*

1. The following letter having been brought to the notice of the Major-General commanding this department, is published for the information of all concerned, viz:

"ADJUTANT-GENERAL'S OFFICE,
"*Washington, October 25, 1861.*

"The PAYMASTER-GENERAL, *Washington, D. C.:*

"SIR: Information having been received that bodies of troops are being formed in and about St. Louis, Mo., which, under the name of Home Guards, Reserve Corps, and other appellations, are being mustered into the service of the United States for duty only in limited localities, or upon certain contingencies, you are hereby cautioned that such organizations are entirely without authority, and that no payments made to them will be sanctioned by the Government.

"I am, sir, very respectfully, your obedient servant,

"L. THOMAS, *Adjutant-General.*"

Officers appointed from these headquarters to muster troops are authorized to muster or remuster into the service of the United States all such bodies of troops, for three years or during the war, unless sooner discharged, as directed by the act of Congress on the subject, provided their plan of organization conforms to the orders of the War Department, including in the muster or remuster so made the period during which the bodies of troops above referred to have been in actual service.

* * * * * * * *

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

Reporting to the Adjutant-General of the Army, under date of December 13, 1861, General Halleck said:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, December 13, 1861.

Brig. Gen. L. THOMAS,
Adjutant-General of the Army, Washington City:

* * * * * * *

The "Home Guards" are not a regular organization; some have been mustered in with the reservation of serving only in this State, while others, although long in service, have never been mustered at all. I have offered them the option to be mustered in according to law, so as to cover their past services, or to be mustered out and receive pay only for "active service in Missouri *away from their homes,*" in accordance with your instructions of the 2d instant. Most of them will probably prefer the latter alternative. If they do, it will be very difficult to ascertain the length of their service "away from home."

* * * * * * *

[1257, Missouri Department, 1861.]

The offer referred to above, giving the Home Guards the option of being regularly mustered into service or mustered out with pay for services rendered away from their homes, was published in General Orders, No. 25, of December 14, 1861:

GENERAL ORDERS, No. 25. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, December 14, 1861.*

* * * * * * *

III. Home Guards and other irregular organizations mustered in with an unauthorized limitation as to place of service, or in service without having been mustered

in, will be allowed the option to be now regularly mustered in for three years, or during the war, according to law and regulations, to cover the full time of back service, so that they can be regularly paid and furnished with supplies, or to be mustered out of service, and receive pay only for the period they "have done active service in Missouri away from their homes."

* * * * * * *

By order of Major-General Halleck:

J. C. Kelton,
Assistant Adjutant-General.

On December 18, 1861, General Halleck informed a correspondent that no more Home Guards would be organized to be paid and supported by the United States (Letters sent, Department of the Missouri, Vol. XVI, p. 116), and on the following day, in a letter addressed to Major-General McClellan, commanding the Army, he stated that the Home Guards were being disbanded as rapidly as he could supply their places.

Within a few days all of the organizations of the Missouri Home Guards formed by authority of Generals Lyon and Frémont, and their subordinate commanders, had ceased to exist. To quote the report of the Hawkins Taylor Commission, subsequently appointed, "these organizations were kept up from one to six months, and in a few cases for a longer period;" all had now been disbanded, either by orders from the commanding general or through their own independent action. As stated in the annual report of the adjutant-general of the State for the year 1863 (pp. 15, 16):

> The various organizations of Home Guards throughout the State had either been disbanded by orders from competent authority, or else, finding that there was no prospect, either immediate or remote, of obtaining any pay from the General Government, had *relieved themselves from duty*, for the purpose of providing for their families, in such localities as were nominally within the lines of loyal troops and where the danger appeared to be not too imminent.

The italics used above are in the original, but neither they nor the language of the report should be construed as a reflection upon the patriotic citizens to whom the report refers, as these citizens had not been formally mustered into the service of the State or of the United States and were under no legal obligations of service.

The organizations in existence when General Halleck assumed command of the department had not accepted his offer to be "regularly mustered" into the United States service, and on February 21, 1862, a general order was issued from department headquarters directing that "all arms and accouterments issued to Missouri Home Guards by order of the late Brig. Gen. Nathaniel Lyon," be turned over to the United States authorities.

It does not appear that the members of the Home Guard organizations were paid, either during the period of their service or at the dates of the disbandment of the organizations to which they belonged, the pay promised them for the time they were in active service away from their homes. In a letter from General Halleck, heretofore quoted in this paper, it was said of the Home Guards then in service that it would be "very difficult to ascertain the length of their service 'away from home,'" and in a letter dated January 18, 1862, General Halleck said of the organizations disbanded before he took command:

Headquarters Department of the Missouri,
St. Louis, Mo., January 18, 1862.

Brig. Gen. L. Thomas,
Adjutant-General of the Army, Washington.

General: Several bodies of men who were organized under General Lyon and General Frémont, and have done service in the field, were disbanded before I took

the command. It appears that they were promised pay, but they can not be paid under the Secretary's order to me in relation to Home Guards, because they can not be brought together for mustering in and out.

It has been proposed that such troops be permitted to be mustered into the State militia to include the time they actually served away from their homes (the proper affidavits, etc., being required on the muster rolls, as in the case of Home Guards), and to be paid the same as State troops. The governor thinks this measure would greatly increase mustering in the militia.

I recommend the measure for the action of the War Department.

Very respectfully, your obedient servant,

H. W. Halleck, *Major-General.*

[M. 77, V. S., 1862.]

To this letter the Adjutant-General replied as follows:

Adjutant-General's Office,
Washington, February 8, 1862.

Maj. Gen. H. W. Halleck,
Commanding Department of the Missouri, St. Louis, Mo.

General: In reply to your communication of January 18, I am instructed to say that if the men organized under Generals Lyon and Frémont and disbanded before you took command of the department, can not again be collected to be mustered in and out, you will take such measures as you may deem best calculated to muster them individually, if necessary.

It is not considered advisable to cover the time already served by them by antedating their enlistments in the State service.

I am, general, very respectfully, your obedient servant,

L. Thomas, *Adjutant-General.*

[Letters sent, Adjutant-General's Office (V. S.), Vol. 1, p. 418.]

The difficulties in the way of the payment of the Missouri Home Guards do not appear to have been easily overcome, as considerable legislation and the appointment of commissioners were found to be a necessary prerequisite. The first legislation on the subject is found in an act approved March 25, 1862, of which the following is a copy:

AN ACT to secure to the officers and men actually employed in the Western Department, or Department of Missouri, their pay, bounty, and pension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and required to allow and pay to the officers, noncommissioned officers, musicians, and privates who have been heretofore actually employed in the military service of the United States, whether mustered into actual service or not, where their services were accepted and actually employed by the generals who have been in command of the Department of the West, or the Department of the Missouri, the pay and bounty as in cases of regular enlistment.

Sec. 2. *And be it further enacted*, That the officers, noncommissioned officers, musicians, and privates so employed, who may have been wounded or incapacitated for service, shall be entitled to and receive the pension allowed for such disability: *Provided*, That the length and character of their enlistment and service be such as to entitle them under existing laws to such pension.

Sec. 3. *And be it further enacted*, That the heirs of those killed in battle, or of those who may have died from wounds received while so in service, shall be entitled to receive the bounty and pay to which they would have been entitled had they been regularly mustered into service: *Provided*, That the bounty and pay referred to in this act shall not be payable unless their term of enlistment and service be of such duration as to entitle them to receive the same, according to existing laws.

Approved, March 25, 1862.

[12 Stat. L., p. 374.]

By an act approved May 14, 1862, an appropriation was made to carry into effect the previous legislation. This act was as follows:

AN ACT to provide for the deficiency in the appropriation for the pay of the two and three years' volunteers and the officers and men actually employed in the Western Department.

* * * * * * *

Sec. 2. *And be it further enacted*, That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred

thousand dollars, or so much thereof as may be necessary, to carry into effect the act approved March twenty-fifth, eighteen hundred and sixty-two, to secure pay, bounty, and pensions to officers and men actually employed in the Western Department or Department of Missouri.

Approved, May 14, 1862.

[12 Stat. L., p. 385.]

Subsequently, by a resolution approved July 12, 1862, it was enacted that all payments under the act of March 25, 1862, be suspended and that a commission be appointed to examine the claims arising under the provisions of that act. Following is a copy of the resolution:

A RESOLUTION to suspend all payments under the act approved 25th of March, 1862, entitled "An act to secure to the officers and men actually employed in the Western Department or Department of Missouri their pay, bounty, and pension," and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to suspend all payments under the act approved 25th March, 1862, entitled "An act to secure to the officers and men actually employed in the Western Department or Department of Missouri their pay, bounty, and pension;" and that there shall be appointed by the President, immediately after the passage of this resolution, by and with the advice and consent of the Senate, three commissioners to examine all claims arising under the provisions of that act, and report the same, with the facts connected therewith, to the Secretary of War; said commissioners to have such compensation for their services as the Secretary of War may consider just and reasonable: *Provided*, That said commissioners shall be required to examine and report within sixty days after the passage of this resolution upon all such claims as may be presented by persons claiming to have been organized or employed in the State of Missouri, and to have performed service according to the provisions of the said recited act, whereupon payments shall be made as recommended by said commissioners and as required by said act: *And provided further*, That within ninety days from the passage of this resolution the said commissioners shall examine and report upon all other claims arising under the act aforesaid, when payments shall be made as herein prescribed.

Approved, July 12, 1862.

[12 Stat. L., p. 623.]

For some reason not discovered the commissioners provided for by the resolution of July 12, 1862, were not immediately appointed and the provisions of that resolution were accordingly revived by a joint resolution approved February 16, 1863, as follows:

JOINT RESOLUTION to revive "An act to secure to the officers and men actually employed in the Western Department or Department of Missouri their pay, bounty, and pension, and for other purposes."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of a joint resolution entitled "A resolution to suspend all payments under the act approved the 25th of March, 1862, entitled 'An act to secure to the officers and men actually employed in the Western Department or Department of Missouri their pay, bounty, and pension, and for other purposes,'" approved July 12, 1862, be, and they are hereby, revived, and the commissioners therein provided for shall be allowed six months from the passage of this resolution within which to make their report.

Approved, February 16, 1863.

[12 Stat. L., p. 824.]

Messrs. Hawkins Taylor, Charles T. Sherman, and Francis T. Russell were appointed commissioners under the provisions of the revived resolution, and their appointment was announced in a general order from the War Department of which the following is a copy:

GENERAL ORDERS, No. 64. WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, *Washington, March 16, 1863.*

Hawkins Taylor, esq., of ———; Charles T. Sherman, esq., of Ohio, and Francis T. Russell, esq., of Missouri, are appointed by the President commissioners under the

joint resolution of July 12, 1862, revived, to examine claims of officers and men actually employed in the Western Department, or Department of Missouri.

James H. Moss, esq., is appointed solicitor for the Commission.

By order of the Secretary of War:

L. THOMAS, *Adjutant-General.*

The commissioners promptly entered upon the duties for which they had been appointed, establishing their headquarters at St. Louis, Mo. Soon after assembling a circular was issued, quoting the acts of Congress under which the Commission was constituted, closing with the following

INSTRUCTIONS TO CLAIMANTS.

For the information of claimants whose claims may be presented for examination by the Commission, organized for the purpose of examining claims for pay, bounty, and pensions of officers and men for military services rendered the United States prior to March 25, 1862, in the Western Department, or Department of Missouri, the following suggestions are made and forms recommended in regard to presenting testimony in support of claims, viz:

It is desirable that a short and comprehensive statement should accompany the papers of each claimant, whether an individual claim or company claim, showing the date, locality, authority, and immediate causes for the organization or services, the county or counties in which the services were rendered, the nature and extent of such services, and the date and place when discharged, and such other facts and circumstances that may throw light upon his or their claim or claims.

Company rolls should in all cases, when obtainable, be filed as the evidence of claim, and when so filed they must be made out in the same manner and with as full detail as rolls made out for drawing pay under the army regulations, and must be accompanied by evidence of the authority for the organization of the company and for the calling of the same into active service, or the acceptance of said service by the commanding officer.

When the company has been mustered out of service and the officer commanding the same is out of service, his affidavit in place of the certificate must be made and be on the same sheet of paper or form on which the roll is made out, and may be in the following form, viz:

STATE OF MISSOURI, *County of* ———:

A B makes oath, and says: I am the identical individual who was ——— of Company —, called into the military service of the United States, in the Department of Missouri, by order of ——— ———; that this roll exhibits the true state of the company for the period herein mentioned; that the remarks set opposite each officer's and soldier's name are accurate and true, and that the recapitulation exhibits the true state of the company, and that I have no knowledge of any member of said company having received pay, or anything in lieu thereof, either from the State or General Government for services rendered, except as stated in said roll.

A B.

The individual claimant's application may be made out as follows, viz:

STATE OF MISSOURI, *County of* ———:

A B makes oath, and says: I am the identical person who was a ——— in Company [A], commanded by Captain ——— (if a regiment, here insert the number of the regiment and the name of colonel), in the military service of the United States in the Department of Missouri; that I rendered service in said company from the —— day of ———, 186–, to the —— day of ———, 186–, making continuously —— days; that I have received for said service ——— dollars and —— cents, and that the amount due me yet for said service is ——— dollars and —— cents, for which I have received no equivalent, or anything in lieu thereof, and that I have accounted for all public property that has come into my hands or under my control.

A B.

All affidavits to be sworn to before a notary public, clerk or judge of court having a seal, or justice of the peace whose official character is properly attested.

When the claims of single individuals are presented, they should be accompanied by the same evidence of the authority for such service as is required in cases of presentation of claims by company rolls, as explained above, and must be verified in the same way.

The certificate of the officer administering the oath to claimants must certify to the identity of the claimant as the individual who rendered the service when the facts are personally known to him, and when he has no personal knowledge of the identity of the claimant that fact must be proven by other testimony.

Whilst conformity to the above rules, as nearly as may be, is regarded as important to the protection of the Government, yet in extreme or exceptional cases the commissioners will not hesitate to allow bona fide claims established to their satisfaction.

In all cases deemed proper by the commissioners oral testimony will be required.

The Commission is now in session in the circuit court room of the court-house, in St. Louis, and claimants are notified to present their claims, with proofs, as early as may be.

HAWKINS TAYLOR,
CHARLES T. SHERMAN,
FRANCIS T. RUSSELL,
Commission.

JAMES H. MOSS,
Solicitor for the Commissioners.
JAMES FLETCHER,
Secretary.

[7412, V. S., 1871.]

In a later edition of the "Instructions," the following was substituted for the last two paragraphs quoted above:

Evidence of present loyalty of all claimants will be required.

Proof of actual service must be made, at least in part, by persons other than officers and members of regiments and companies having a common interest therein.

Evidence in writing, by authenticated affidavits and certificates, is desired, but in all cases deemed proper the Commission will require oral testimony, and, if necessary, furnish subpœnas for witnesses and allow mileage and per diem attendance.

The Commission is now in continuous session in the circuit court room of the court-house in St. Louis, and claimants are notified to present their claims with proofs as early as may be. The time of the Commission is limited to the 16th of August next, and many claims may be excluded for want of time.

A delegate from the Commission will attend at Des Moines City, Iowa, from and after June 8, and at Leavenworth City, Kans., July 6, and St. Joseph, Mo., July —, for the convenience of claimants in those sections for a few days only; but an acting quorum will remain continually in St. Louis.

[Ibid.]

On May 12, 1863, the commissioners addressed to the Secretary of War a letter in which they reported progress, and requested instructions relative to their jurisdiction of certain claims. Following is an extract of the letter:

ST. LOUIS, MO., *May 12, 1863.*

HON. E. M. STANTON, *Secretary of War.*

SIR: The Commission to examine claims for services in the Western department, under the act of Congress of March 25, 1862, have the honor to report that since the date of their last letter it has been establishing rules of evidence and receiving and examining claims. The number of claims before us is about 9,000, with a large number yet to come in.

Various disputed questions have arisen and been decided. The one of the most frequent occurrence is whether claims of officers for services rendered between the time of appointment and time of being mustered in the regular three years' volunteer service are within the jurisdiction of the Commission. A majority of us, and not without doubts, are inclined to hold that the Commission have no right to examine and allow for services rendered in the three years' volunteer service, but must confine themselves to inquiry of the services rendered by the Home Guards or irregular troops.

We would respectfully ask for instructions on that subject.

* * * * * * *

Respectfully, yours,

HAWKINS TAYLOR,
CHAS. T. SHERMAN,
F. T. RUSSELL,
Commissioners.

P. S.—The solicitor for the Government, James H. Moss, decides that the Commission has jurisdiction over claims presented by the regular three years' volunteers for services rendered prior to the time of their being mustered into the regular three years' service.

I concur with Mr. Moss in the opinion he gives. F. T. RUSSELL.

[Ibid.]

The question submitted by the commissioners was referred to the Solicitor of the War Department, whose views were concurred in by the Secretary of War and communicated to the Commission for its information and guidance. These views were expressed in a letter of which the following is a copy:

WAR DEPARTMENT, *Washington City, June 4, 1863.*

HON. EDWIN M. STANTON, *Secretary of War.*

SIR: The letter of Hawkins Taylor, chairman of the Committee on Claims, as organized under General Orders, No. 62 [64], having been referred to me, I have the honor to say:

That it was enacted by the statute of March 25, 1862, chapter 49, section 1, that the Secretary of War be, and he is hereby, authorized and required to allow and pay to the officers, noncommissioned officers, musicians, and privates who have been heretofore *actually employed* in the military service of the United States, whether mustered into actual service or not, where their services were *accepted* and *actually employed* by the *generals who have been in command* of the Department of the West or the Department of the Missouri, the pay and bounty as in cases of regular enlistment.

Section 2 provides for the payment of pensions in certain cases.

Section 3 provides that in certain cases the bounty shall be paid to the heirs of those who have been killed.

By the act of July 12, 1862, payments under the former act were suspended, and commissioners were appointed to examine and report upon all claims arising under that act, within periods of time therein stated.

By the act of February 16, 1863, the time for making report of these claims was extended to six months from that date.

The design of the act of March 25, 1862, was to place volunteers in Missouri, who had at some period enlisted in the service of the United States, upon the same footing as to pay, pensions, and bounty as though they had been regularly mustered into the service at the time when they actually entered the service and were actually accepted as United States soldiers by the military commander of the department to which they belonged, thereby placing the volunteers of Missouri upon an equal footing with the volunteers of other States. Hence, by the true construction of the act, no claims can be allowed for volunteers who were not actually in the service of the United States. No claims can be allowed for volunteers, whether in the service of the United States or not, unless their services were *accepted* and actually employed by the *generals who had command* of the departments.

The payment for services is to be commensurate with those services; to begin when the services began and to end when the services ended.

No services can be allowed for by the commissioners for any period *prior* to the acceptance and actual employment of these volunteers by the aforesaid commanders of departments.

Thus no claims can be allowed for *recruiting officers* who were not at the time when so employed in recruiting actually in the employ and service of said commanders of departments.

All pay of officers or men, and all expenses of getting up the regiment in the State service, such as recruiting, rations, transportation, etc., may be just claims against the State of Missouri, but they are not in the class of claims of which this board has cognizance.

The duty of the commissioners is to treat the claims of the volunteers in the same way as though they had for the first time been mustered into the service of the United States at the date when their services were actually accepted and employed by the commander of the department to which they belonged. Of claims for services prior to that date they have no jurisdiction.

This board has no jurisdiction over claims for service of troops who have been regularly organized and mustered into the service in the usual way under the laws of the United States by competent authority. Such claims are to be presented to the proper departments at Washington.

I have the honor to be, sir, your obedient servant,

WILLIAM WHITING,
Solicitor of the War Department.

[Ibid.]

The final report of the Commission appointed under the revived joint resolution of July 12, 1862, now known as the Hawkins Taylor Commission, is as follows:

ST. LOUIS COURT-HOUSE,
St. Louis, Mo., September —, 1863.

Hon. E. M. STANTON, *Secretary of War.*

SIR: The undersigned, appointed under General Orders, No. 64, to examine all claims arising under the act of Congress approved March 25, 1862, entitled "An act to secure to the officers and men actually employed in the Western Department, or Department of the Missouri, their pay, bounty, and pensions," have the honor to submit the following report:

Through the courtesy of the county court a room was furnished in the court-house in the city of St. Louis, where they met, and continued their daily sessions uninterrupted until this date. Owing to the very limited time given the Commission in which to examine and pass upon the claims arising under said act, one member of the Commission was sent to the State of Iowa to give information and collect evidence as regards claims arising in that State, and remained there some two weeks. At another time another member was sent to the State of Kansas for the same purpose, and remained about the same length of time. At all times continuing a majority of the Commission at St. Louis for the transaction of business.

Immediately after our assemblage we appointed Dr. James Fletcher, of Kansas, as principal secretary, and shortly after A. C. Cummins, of Ohio, chief clerk. Subsequently and for different periods we employed the following persons as assistant clerks, viz: Thomas J. Sutton, Ferdinand Hess, William H. Sirmscoe, Henry Rohe, and Peter A. Feldmear, and Joseph Taylor, messenger.

The services of Dr. Fletcher and Captain Cummins were very efficient and valuable. They are entitled to our thanks for their industry and attention to the business of the Commission. We cannot speak too highly of the valuable assistance and services rendered to us and to our business by the Hon. James H. Moss, the solicitor to the Commission. His untiring industry and his intelligence and legal skill lightened our labors and afforded much valuable aid in the investigation of all classes of claims before us.

A regular docket of all claims was carefully kept, and public notice was given of our sessions in the leading newspapers published in St. Louis and in the States of Missouri, Iowa, and Kansas, giving notice of the sitting and organization of the Commission.

The Commission also issued a circular giving the laws under which they acted, together with instructions as to the form and manner of presenting claims, a copy of which is annexed.

The number of claims filed for services of companies was 274, of which number we allowed 247.

The number of individual claims was 307, of which 97 were allowed. Number of field and staff claims 31; allowed, 28. The total amount allowed for claims of services of companies is $735,256.04, and for individual claims is $22,426.68, and for field and staff, $42,929.41. Total amount allowed, $800,612.13.

The amount claimed as due by the parties we can not state, as the larger portion of the companies' claims stated only the time claimed and not the amount, but we doubt not but the aggregate sum claimed by the parties would amount to over $1,500,000.

No claim was allowed unless it was strictly for personal service in the military service, and all were not only required to show that they were called out or accepted by proper authority, but performed actual military service in the field as distinguished from services in organizing, drilling, recruiting, or in camp. We required proof of actual service other than the oath of the claimant, and generally the services were proven by the testimony of one or more disinterested witnesses or the certificate of well-known officers now in service. The services of a very great portion of the company claimants were necessarily desultory and not continuous. At the breaking out of the rebellion the State of Missouri had the misfortune to have her entire State government, and a large portion of her American-born citizens either active sympathizers with the South or neutral in the contest. In some sections of the State nearly the entire population were loyal, in others almost entirely disloyal, and in others they were divided.

For months previous Governor Claiborne F. Jackson and the State authorities had been collecting powder and lead and arms, and organizing the militia of the State, under the pretense of preserving the neutrality of the State, but really with the design of taking the State out of the Union. Everything seemed to favor their plans, and they would inevitably have succeeded had it not been for the foresight, boldness, and unswerving patriotism of Gen. Nathaniel Lyon. He penetrated their designs and took prompt measures to defeat them, and unquestionably saved Missouri. He found the people of St. Louis and the State divided in opinion. While the State authorities were organizing the militia for treasonable purposes, he encouraged the formation of

Home Guards and other irregular forces, and by a few bold and decisive measures, such as the taking of Camp Jackson, completely destroyed and dispersed the open rebels and protected the public property and loyal citizens. At the time he had but a few hundred United States troops under his control, but with the aid of the irregular troops that he created and organized he accomplished his purpose. If, therefore, it was an object to save Missouri and the consequent control of the city of St. Louis and the arsenal and the waters of the Upper Mississippi, and our vast Western territories, the credit is all due to the brave Lyon and his Home Guards.

In every part of the State where there were Union men there was an organization of Home Guards. If the Union sentiment was strong in the country or district, a regiment was raised. If less strong, a battalion or single company. These organizations were called into service either by special authority from General Lyon, or under a general invitation to form Home Guards, issued by him.[a] When organized they reported to the commander of the department, and drew arms in whole or part. A large portion, however, were obliged, for want of arms, upon not being able to procure them, to use their own private arms. In almost all cases they drew ammunition and subsistence while in actual service.

These organizations were kept up from one to six months, and in a few cases for a longer period of time. There are instances, particularly in southwest Missouri, where, after the retreat of the United States forces, in the summer and fall of 1861, the organizations were retained, and, by occupying passes in the mountains, the flag of the Union was kept up, while the country for many miles around them was occupied by General Price and the rebels under him. When these organizations were disbanded, either by orders from the general commanding, or from other causes, it can be said to their credit, and as an evidence of their loyalty, that a large majority of the officers and men went into the regular volunteer service, and are now in the field under "Generals Grant and Rosecrans," fighting for the cause of the Government in the effort to put down this cursed and causeless Southern rebellion.

This increased our difficulties and labors. In many cases there was neither muster-in nor muster-out rolls, and in other cases the authority for the organization and the rolls themselves were captured or destroyed by the rebels, and we doubt not there are companies that performed service whose claims have not been presented to us because of the absence of officers and men in the field now in service, and who have no knowledge of the existence of the Commission. Previous to the outbreak, at the suggestion of General Lyon, and for their own protection, many of these companies organized and armed themselves and patrolled through their respective neighborhoods, watching the movements of the disaffected. After hostilities commenced other companies organized, drilled, and protected their own and neighbors' property and the peace of the country, but for such service we have allowed no compensation. We have only allowed where their existing organizations have been regularly called out and actually served in the field under proper authority and in regular military capacity or service. Hence it will be seen that in a large majority of company claims we have only allowed part of the time claimed. We have sought to do justice between the claimants and the Government, and not pay them for time spent in service for the protection of themselves and neighbors or in preparing for active service. In other cases organized companies were called out by the proper authority for special services, and were then ordered home, and in a few weeks were called out again, and probably repeated. In these cases we have sought to ascertain the actual time they were in the field, and allowed them for such time.

The same principle was applied to individual claims. We have sought only to pay for actual service. We have favored no claims for recruiting, for organizing, for doing camp duty in and about St. Louis or other cities, or for any other service, except it is in the strict line of the officer's duty and in which he necessarily devoted his whole time.

There are numerous instances where claimants were appointed by the generals who have been in command in this department, and who have promised in good faith to recruit companies and regiments, but failed to obtain the minimum number required for a command, and the recruits have been assigned to other organizations and the officers discharged.

In these cases we refuse to allow them pay for their time and expenses, for the reason that they have not rendered the actual military service contemplated by the law under which we act. It may also be added that they accepted their appointments with the understanding that they should raise the men required for the command they sought, and, if successful, a commission would follow; if they failed, they lost their time and expenses. Such, we understand, has been the practice in the Western States. In other cases claims have been presented by officers for serv-

[a] No record of this general authority has been found.

ice rendered between the time of appointment and the time of being mustered into the service of the United States. This class of claims were all rejected, in accordance with the practice of the State government, and agreeably to the instructions of the Solicitor of the War Department. We have been obliged, necessarily, to exercise discretion and adopt rules as regards the amounts to be allowed that are not known or recognized by Army Regulations. But in these cases we thought justice to the service and the claimant required some allowance should be made. The amount allowed is universally less than the amount named in the regulations. The cases alluded to are chiefly surgeons and chaplains.

A large proportion of the companies claim that the services performed were as cavalry, each man furnishing his own horse and horse equipments, and therefore entitled to the usual pay and allowance for such service. With few exceptions we refused to allow such claims. It was in evidence before us that the service was either cavalry or infantry, as the exigencies of the time required; that forage for the horses was furnished by Government when in actual service; and in the opinion that it was better for the owners to use their horses in the service, and thereby prevent them from being taken by the rebels—for this reason, mainly, we have allowed no pay for horses, only when it was proved clearly that the company was organized as cavalry, and that by special authority from the general commanding having such authority. There have been many cases presented for subsistence, transportation, and other expenses attending this service, but the law under which we were acting, in our opinion, gave us no jurisdiction over such cases.

The amounts are generally small, and in the hands of loyal men who have suffered in the cause. We would, therefore, respectfully recommend that this class of cases be promptly investigated and paid. It appeared upon investigation that two regiments from the State of Iowa, under the command of Colonels Morledge and Edwards, and one company under Capt. W. C. Jones, were called out by proper authority, and did service in Missouri. That the legislature of Iowa made provisions for the payment of the officers and men, and that part have been paid, and the balance are being paid upon presentation of their claims. Satisfactory evidence was produced of their service and that the claim was within our jurisdiction, but as the State of Iowa had partly paid them and had assumed the payment of the balance, we did not enter them upon our books, but gave the State officers a certificate of facts that will assist the State in settling the same with the War Department.

No claims were presented from the State of Kansas, though we were advised that services were rendered by officers and men that would probably come within our jurisdiction. None were presented, probably because of the absence of officers in active service in the field and the distracted condition of things in that State.

Among other claims presented to us were some for services rendered as "spies and scouts," employed by the different commanders of the department. The services were performed either by regularly organized companies, or bands, or by individuals. We are satisfied that the services were performed, that they were valuable and dangerous, and should be paid; but in the absence of any rule of compensation established, either by law or custom, or of a knowledge on our part of the prices usually paid, we have inserted the names of the companies and individuals on our books, leaving the department to give the customary compensation to such persons for such services.

By reference to our books the claim of Capt. J. M. Richardson's company will be found in volume 1, on page 112.

That of Capt. Emory S. Foster's company will be found in volume 1, on page 96.

That of Cicero A. Lewis in volume 1, page 53.

That of Jenisha Page in volume 1, page 53.

The paper annexed hereto, marked A,* contains a statement of our expenditures, and are the vouchers for such payments.

Herewith is $1,983.80, the balance of the money placed in our hands to pay the expenses of the Commission.

HAWKINS TAYLOR,
CHAS. T. SHERMAN,
FRANCIS T. RUSSELL,
Commissioners.

I have cheerfully concurred in the findings of my associate commissioners so far as they go, as giving thus much to the early and worthy defenders of my State; but to the brave and ruined men of the Southwest and the Northwest, I deeply regret that a little more could not have been awarded.

In the matter of pay for horses, too, I respectfully submit that I have steadfastly

*Not here reproduced.

differed with them. I take the ground that the law directing us to allow pay to officers, noncommissioned officers, musicians, and privates, who have been heretofore actually employed in the military service of the United States, whether mustered into actual service or not, when their services were accepted and actually employed by the generals, etc., the same pay as in cases of regular enlistment authorized us to allow to private soldiers using their horses in a mounted service the army pay in such cases.

The law in general is not limited to an infantry, cavalry, or artillery service, but embraces all, and if mounted men were accepted and used should be paid for as such.

The argument of risk to horses at home, and that they were put in the Army for safety and fed by the Government, is of no force if the Government really used them. And besides, if it is valid, it goes too far, and would on its own principle exclude thousands of the men, too, for to my certain knowledge thousands of exposed Union men in Missouri could not stay at their homes and went to the service for safety, at least in part, and were there both fed and clothed. Many poor Union men have ridden to death in this service and some of them had killed under them their only horse, and that, too, without pay per diem or a valuation.

Of course we have no jurisdiction to award an allowance for the valuation of such horses. The enemy were well mounted, and against them infantry was mostly useless, and the horses of these men were needed, accepted, and hardly used by our Government, and I hold should be paid for.

I also wish to call attention a little specially to the matter of transportation and supplies for these Home Guards, and to add my sincere regret that these matters were clearly outside our jurisdiction.

It is shown on the rolls and by other good evidence that almost every company used from two to four wagons hauling for them in their campaigns, and necessarily so, and had them of the best of Union men. Some of these teams were lost and worn out by the chances and service of war, and should be paid for accordingly by the Government.

The same is true of supplies for these troops, who, being deficient in ordinary army experience and of facilities for procuring them, and forced by want to have them, procured bacon, flour, groceries, horse feed and all necessaries at large from both farmers and merchants. Many of these were violent Union men, who thus upheld our cause with their own means when it could not be bought elsewhere, and did it for the sake of the cause, and did it, too, to prevent injury to our cause by violent seizures.

I beg leave to be thus earnest on these points, because I myself only of the commissioners have had opportunity for personal experience and observation in regard to them. The cases in both classes are mostly small claims, but numerous and held by needy persons, and are susceptible of plain and clear proof, and I earnestly insist should be early provided for and paid.

F. T. Russell. *Commissioner.*

Washington, *September 21, 1863.*

The Commission when in St. Louis neglected to state that proof was made to them that Colonel Eppstein, of the Boonville Home Guards, advanced money and supplies to his officers and men, with the agreement that the money so advanced by him should be deducted from their pay and paid to Colonel Eppstein when the Government made payment.

In Volume No. 2, pages 236–243, will be found his companies. There is a column in each showing the amount advanced to each officer and man. All these sums should be paid to Colonel Eppstein.

Hawkins Taylor,
Chairman, Commission.

[Ibid.]

By an act approved January 22, 1864, an appropriation was made to provide for the deficiency in the previous appropriation for the payment of the claims adjudicated by the Commission, and, among other things, it was provided that payment of the awards be made by paymasters of the United States Army. Following is a copy of the act:

AN ACT to provide for the deficiency in the appropriation for the pay of officers and men actually employed in the Western Department, or Department of Missouri.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated out of any money

in the Treasury not otherwise appropriated the sum of seven hundred thousand six hundred and twelve dollars and thirteen cents, or so much thereof as may be necessary, to carry into effect the act approved March twenty-fifth, eighteen hundred and sixty-two, to secure to the officers and men actually employed in the Western Department, or Department of Missouri, their pay, bounty, and pension: *Provided, however*, That in the payment of the money hereby appropriated such payment shall be made directly to the officers or soldiers by whom the services were rendered, or to their personal representatives, or to their agents appointed by powers of attorney; and no assignment of any sum due to any officer or soldier shall be valid; such payments to be made by paymasters of the United States Army: *Provided further, however*, That any person holding a power of attorney authorizing the receipt by him of the amount to be paid to any officer or soldier may upon making and filing an affidavit to the effect that he is acting in the premises purely as agent without personal interest, and that he will pay over the amount received either to the soldier or (in his absence) to his wife or childen for their benefit, be entitled to receive such amount.

Approved, January 22, 1864.

[13 Stat. L., pp. 1, 2.]

This act was amended by a joint resolution approved June 25, 1864, as follows:

JOINT RESOLUTION amendatory of "An act to provide for the deficiency in the appropriation for the pay of officers and men actually employed in the Western Department, or Department of Missouri."

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That where any person or persons holding any power of attorney or assignment executed subsequent to August sixteenth, eighteen hundred and sixty-three, and prior to January twenty-second, eighteen hundred and sixty-four, for the sum adjudged due to any officer or soldier by the commissioners appointed under joint resolution approved February sixteenth, eighteen hundred and sixty-three, shall have paid any money to any officer or soldier on the faith of such power of attorney or assignment, that the paymaster appointed to disburse the funds appropriated by the act approved January twenty-second, eighteen hundred and sixty-four, to provide for the deficiency in the appropriation for the pay of officers and men actually employed in the Western Department, or Department of Missouri, be, and he is hereby, authorized and directed to pay to such person or persons the amount thus paid to any officer or soldier upon such attorney or assignee making and filing an affidavit to the effect that the amount was actually paid to said officer or soldier, and upon the paymaster being satisfied that the amount was actually paid; and the amount paid such attorney or assignee under this resolution shall be deducted from the amount due said officer or soldier, anything in any previous action of Congress to the contrary notwithstanding.

Approved, June 25, 1864.

[13 Stat. L., p. 410.]

The sums awarded by the Commission were paid, as required by the statute, by army paymasters (at St. Louis, Mo.), and the vouchers upon which payments were made are filed in the office of the Auditor for the War Department.

In 1886 an act was passed by which the Secretary of War was authorized to furnish, upon application therefor, certificates of discharge to the members of the Missouri Home Guards whose claims for pay had been adjudicated by the Hawkins Taylor Commission. Following is a copy of the act:

AN ACT to authorize the Secretary of War to furnish certificates of discharge to certain members of the Missouri Home Guards.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and is hereby, authorized and directed to furnish, upon their several applications therefor, a certificate of discharge to each and every member of the Missouri Home Guards whose claims for pay were

adjudicated by the Hawkins Taylor Commission, under the act approved March twenty-fifth, eighteen hundred and sixty-two, and the several acts supplementary thereto.

Approved, May 15, 1886.

[24 Stat. L., p. 23.]

This act of Congress has been construed as authorizing the issue of discharge certificates to the representatives of deceased members of Home Guard organizations who would themselves, if living, have been entitled to receive them. (R. & P., 74366.)

The Missouri Home Guards of 1861 differed from local organizations generally in that they were organized under the authority of United States officials and were called into actual service, if at all, through the agency of the General Government and not through the action of the State officials. In view of this fact, and of the recognition given them by the act of March 25, 1862, it has been decided by the War Department, concurring in the opinion of the Judge-Advocate-General of the Army, that the members of those organizations whose claims of service were recognized by the Hawkins Taylor Commission are to be regarded by this Department as having been in the military service of the United States and as having formed a part of the United States military establishment during the civil war. (R. & P., 430378.)

With regard to the records of the Hawkins Taylor Commission, a letter was addressed by this office to Hon. F. M. Cockrell, United States Senate, under date of December 18, 1900, and was published in Senate Doc. No. 56, Fifty-sixth Congress, second session. Following is a copy:

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, December 18, 1900.

Hon. F. M COCKRELL,
United States Senate.

DEAR SIR: In reply to your letter without date, received this morning, in which you request to be advised what records of the Hawkins Taylor Commission are on file in the War Department, and especially whether there is record of the proofs presented to the Commission showing length of actual service, also whether the rolls showing the names and services gave dates of enrollment and expiration of term and the period of actual service less than the period between enrollment and expiration of service, I have the honor to advise you as follows:

As you were advised in the letter addressed to you by this office under date of December 5, 1900, relative to the case of J. P. Hopkins—

"The records of the proceedings of the Hawkins Taylor Commission, or other retained records of the Commission, are not filed in this Department, and nothing is known at this office relative to their whereabouts, if they are in existence. The registers prepared by the Commission, filed in this office, contain the only known record of the Commission relative to individual service."

The registers of the Commission show, in the case of each man whose claim for service was adjudicated by it, the "date of organization" of the command of which he was a member, and the date of his discharge, and in addition to this the period which the Commission "allowed as actual military service rendered the United States." It was frequently the case that the period allowed a man by the Commission as actual military service rendered the United States was considerably less than the period that elapsed between the date of organization of his command and the date of his discharge. For instance, in the case of William Walton, or Yalton, Company K, First Northeast Missouri Home Guards, referred to in your letter, the register of the Hawkins Taylor Commission shows June 17, 1861, as "date of organization," and October 1, 1861, as "date of discharge," but the register also shows that the period of two months and twenty-one days was "allowed as actual military service rendered the United States." The report furnished to the Pension Office in this case was exactly in accordance with that showing of the register.

It is well known that the men whose claims were adjudicated by the Hawkins Taylor Commission did not render continuous military service from the date of organization of their commands, or from the date of their enrollment therewith until the date of their discharge, and the purpose for which the Commission was created was chiefly that of ascertaining exactly how much military service was rendered by each of these men. This the Commission did, and its findings, as recorded in the registers of the Commission, are the only known source of information with regard to the actual military service of any man whose claim was adjudicated by the Commission. There is an inconsiderable number of rolls of these Home-Guard organizations on file in the Department, but they show nothing of importance more than dates of organization or enrollment, and dates of disbandment or discharge, just as the registers of the Commission show similar extreme dates, and they afford no indication as to the amount of military service actually rendered between those dates. As stated above, the Commission was appointed for the purpose of ascertaining and stating the amount of such service, and the report of the Commission is now the only means of determining that amount in any case.

What documentary evidence, if any, the Commission had before it is unknown, but it is inferred from the report of the Commission that its findings were based to a great extent upon the oral testimony of claimants or their witnesses. At any rate, no records of the proceedings of the Commission are known to be in existence, and nothing is known as to the disposition made by it of any documentary evidence that may have been submitted to it.

The report of the Commission will be found printed in Senate Report, No. 214, Forty-eighth Congress, first session. This report embodies all the information known to this office with regard to the methods of procedure of the Commission.

Very respectfully,

F. C. Ainsworth,
Chief, Record and Pension Office.

It is now known that the rolls that were in the custody of the Hawkins Taylor Commission were turned over to the adjutant-general of Missouri (Adjutant-General's Report of 1863, p. 8), and it has been ascertained that they are now on file with the archives of the State. (R. & P., 651504.)

The registers or records of claims kept by the Commission are filed in this office, and are the only authentic records of service actually rendered. From these registers was prepared the schedule (accompanying this paper) of the organizations whose members were paid through the agency of the Hawkins Taylor Commission. This schedule is complete, and it can safely be assumed that organizations not mentioned therein were not of the class of Home Guards actively employed in the military service of the United States, for whose relief the act of March 25, 1862, and subsequent legislation was intended.

According to a report of the adjutant-general of the State of Missouri, heretofore quoted in this paper, 10,000 stand of arms were placed in the hands of the Home Guards organized especially for their own protection; and according to the same authority there were probably enough men in these Home-Guard organizations who furnished their own arms to make the membership of the local organizations upward of 15,000. But, as also stated by the same authority, "no accurate account can be given" of this particular class of Home Guards, as "they accepted neither pay nor subsistence from the Government and made no reports to its authorities." No schedule of these local organizations, whose members were not recognized for pay by the Hawkins Taylor Commission, can therefore be prepared.

The history of the Missouri Home Guard organizations of 1861 may be summarized as follows:

(*a*) They were organized or recognized, if recognized at all, under the authority granted Brig. Gen. Nathaniel Lyon, June 11, 1861, to

"enlist in the service of the United States such loyal citizens of the State of Missouri" as he might think proper, who should "not receive pay except when called into active service."

(*b*) Some of them had an organized existence prior to June 11, 1861, but all were either organized or recognized by Generals Lyon and Frémont, or their subordinate commanders, if recognized at all, under the authority granted General Lyon on that date.

(*c*) They were composed of two classes: (1) Those who were organized for their own protection and the preservation of peace in their own neighborhoods, and were armed by the United States but were to receive neither pay, clothing, nor rations, and (2) those who were organized, armed, and equipped for more active local service, for which service it was understood they would have a valid claim for pay.

(*d*) With the exception of the members of some two or three organizations which were mustered into the United States service and have been paid as United States troops, they were not formally mustered into the service of the United States.

(*e*) Those who were "actually employed in the military service of the United States" ("called out or accepted by proper authority") have, through Congressional legislation, the action of the Hawkins Taylor Commission, and the rulings of the War Department, been placed upon the same footing as volunteers in the service of the United States with regard to pay, bounty, and pension; and they or their representatives have received, or are entitled to receive, certificates of honorable discharge if there is nothing in their personal records to show a dishonorable termination of service.

(*f*) Members of those organizations whose services were not recognized by the Hawkins Taylor Commission have no legal status as volunteers or militia in the service of the United States, or, by virtue of their membership in the Home Guard organizations, any legal status as militia in the service of the State of Missouri.

As stated in the report of the Hawkins Taylor Commission, quoted in this paper, "the number of claims filed for services of companies was 274," of which number 247 claims were "allowed." The records of the Commission filed in the War Department show that of the organizations represented in the allowances made 6 regiments and 22 battalions, aggregating 192 companies, and 49 independent companies, making a total of 241 companies, were Home-Guard organizations, the other 6 companies reported by the Commission (5 companies, as shown by the records, consisting of scouts, spies, and others) evidently not being of that class. The number of allowances to individual members of Home-Guard organizations was 19,173.

The rolls of companies not represented in the allowances made by the Commission are not known to be in existence, and even the designations of such companies are unknown to the War Department.

CITIZEN GUARDS.

Under the title of "Home Guards, 1861," it has been seen that soon after the beginning of hostilities in Missouri numerous bodies of citizens were organized, by authority of the War Department, for home protection and local service, and that those on active duty were paid for their services, through the agency of a commission appointed under authority of Congress. These early organizations of Home Guards were disbanded after a few months' service.

Later in the progress of the war it was found expedient to form other companies of citizens for the protection of their homes and for local service in various localities and under divers conditions. A majority of these organizations, designated as "Citizen Guards," were formed for protection against the aggressions of guerrilla bands. In some instances they were recognized as Enrolled Missouri Militia and paid by the State, and in a few cases they have been paid under special legislation by Congress, but in a large number of cases no provision has ever been made for their payment, either by the State or the United States, the service having been rendered without promise or expectation of pay.

On August 25, 1863, Major-General Schofield, the commanding general of the Department of the Missouri, and also a major-general of the State of Missouri, commanding, by authority of the governor, all of the militia of the State, issued a general order in which he invoked the active cooperation of citizens in the extermination of guerrillas and directed that, to protect themselves from violence, and to aid the troops when necessary, all loyal and peaceable citizens be permitted to bear arms. Following is a copy of the order:

GENERAL ORDERS, } HEADQUARTERS DEPARTMENT OF THE MISSOURI,
No. 86. } *St. Louis, August 25, 1863.*

Large numbers of men are leaving the broken rebel armies in the Mississippi Valley and returning to Missouri. Many of them, doubtless, come back with the purpose of following a career of plunder and murder under the form of guerrilla warfare, while others would gladly return to their homes as peaceable citizens if permitted to do so and protected from violence.

The State is in danger of a repetition of the scenes of violence and bloodshed which characterized the months of July and August, 1862. The united efforts of all loyal and peaceably disposed citizens, as well as of the troops of this department, will be required to avert this evil.

It is the desire of the commanding general that all those who voluntarily abandon the rebel cause and desire to return to their allegiance to the United States shall be permitted to do so, under such restrictions as the public peace shall require. All such persons may surrender themselves and their arms at the nearest military post, and will be released upon taking the oath of allegiance and giving bond for their future good conduct. They will be required to reside in such portion of Missouri or other State as the provost-marshal who releases them shall direct.

All who shall fail to comply with these conditions, and shall remain within our lines without renewing their allegiance, will be treated as criminals according to the laws of war. Those who shall engage in robbery, murder, or other similar crimes will be exterminated without mercy.

Humanity demands of every citizen active and earnest cooperation with the military authorities in putting down these common enemies of mankind. The com-

manding general demands of every citizen the full discharge of his duty in this regard. Those who neglect it will be held responsible in their persons and property for the damage that may result from their neglect, and will be punished at the discretion of a military commission. If milder means shall fail, the commanding general will order the destruction or seizure of all houses, barns, provisions, and other property belonging to disloyal persons in those portions of the State which are made the haunts of guerrillas.

To enable them to protect themselves from violence, and to aid the troops when necessary, all loyal and peaceable citizens in Missouri will be permitted to bear arms. As far as practicable arms which have heretofore been taken from such citizens will be returned to them.

By command of Major-General Schofield:

C. W. MARSH,
Assistant Adjutant-General.

DISTRICT OF THE BORDER.

On the date of the order quoted above, August 25, 1863, Brig. Gen. Thomas Ewing, commanding the District of the Border, issued from his headquarters at Kansas City, Mo., a general order requiring all of the inhabitants of certain counties and districts to remove from their homes within fifteen days from the date of the order. This order reads as follows:

GENERAL ORDERS, No. 11. HEADQUARTERS DISTRICT OF THE BORDER, *Kansas City, Mo., August 25, 1863.*

I. All persons living in Jackson, Cass, and Bates counties, Mo., and in that part of Vernon included in this district, except those living within one mile of the limits of Independence, Hickman Mills, Pleasant Hill, and Harrisonville, and except those in that part of Kaw Township, Jackson County, north of Brush Creek and west of the Big Blue, are hereby ordered to remove from their present places of residence within fifteen days from the date hereof. Those who, within that time, establish their loyalty to the satisfaction of the commanding officer of the military station nearest their present places of residence will receive from him certificates stating the fact of their loyalty, and the names of the witnesses by whom it can be shown. All who receive such certificates will be permitted to remove to any military station in this district, or to any part of the State of Kansas, except the counties on the eastern border of the State. All others shall remove out of this district. Officers commanding companies and detachments serving in the counties named will see that this paragraph is promptly obeyed.

II. All grain and hay in the field or under shelter in the district from which the inhabitants are required to remove within reach of military stations after the 9th day of September next will be taken to such stations and turned over to the proper officers there, and report of the amount so turned over made to district headquarters, specifying the names of all loyal owners and the amount of such produce taken from them. All grain and hay found in such district after the 9th day of September next not convenient to such stations will be destroyed.

* * * * * * *

By order of Brigadier-General Ewing:

H. HANNAHS,
Acting Assistant Adjutant-General.

[Official Records of the Union and Confederate Armies, Series I, Vol. XXII, Part II, p. 473.]

This order followed a few days after the burning of the town of Lawrence, Kans., and the massacre of its inhabitants by guerrilla bands from the border counties of Missouri. Concerning the conditions which prompted its issue General Ewing wrote:

HEADQUARTERS DISTRICT OF THE BORDER,
Kansas City, Mo., August 31, 1863.

Col. C. W. MARSH,
Assistant Adjutant-General, Department of the Missouri, St. Louis, Mo.

SIR: Some commanders of detachments engaged in the pursuit of Quantrill are still out after his scattered forces. In advance of their return I submit a report of the

raid, which, in some respects, may be deficient for want of official information from them.

Three or four times this summer the guerrillas have assembled to the number of several hundred within twenty or thirty miles of the Kansas border. They have threatened, alternately, Lexington, Independence, Warrensburg, and Harrisonville, and frequent reports have reached me from scouts and spies that they meant to sack and destroy Shawnee, Olathe, Paola, Mound City, and other towns in Kansas near the eastern border.

* * * * * * *

On the 25th instant I issued an order requiring all residents of the counties of Jackson, Cass, Bates, and that part of Vernon included in this district, except those within one mile of the limits of the military stations and the garrisoned towns, and those north of Brush Creek and west of Big Blue, to remove from their present places of residence within fifteen days from that date; those who prove their loyalty to be allowed to move out of the district or to any military station in it, or to any part of Kansas west of the border counties; all others to move out of the district. When the war broke out, the district to which this order applies was peopled by a community three-fourths of whom were intensely disloyal. The avowed loyalists have been driven from their farms long since, and their houses and improvements generally destroyed. They are living in Kansas and at military stations in Missouri, unable to return to their homes. None remain on their farms but rebels and neutral families; and practically the condition of their tenure is that they shall feed, clothe, and shelter the guerrillas, furnish them information, and deceive or withhold information from us. The exceptions are few, perhaps twenty families in those parts of the counties to which the order applies. Two-thirds of those who left their families on the border and went to the rebel armies have returned. They dare not stay at home, and no matter what terms of amnesty may be granted, they can never live in the country except as brigands; and so long as their families and associates remain, they will stay until the last man is killed, to ravage every neighborhood of the border. With your approval, I was about adopting, before this raid, measures for the removal of the families of the guerrillas and of known rebels, under which two-thirds of the families affected by this order would have been compelled to go. That order would have been most difficult of execution, and not half so effectual as this. Though this measure may seem too severe, I believe it will prove not inhuman, but merciful, to the noncombatants affected by it. Those who prove their loyalty will find houses enough at the stations, and will not be allowed to suffer for want of food. Among them there are but few dissatisfied with the order, notwithstanding the present hardship it imposes. Among the Union refugees it is regarded as the best assurance they have ever had of a return to their homes and permanent peace there. To obtain the full military advantages of this removal of the people, I have ordered the destruction of all grain and hay, in shed or in the field, not near enough to military stations for removal there. I have also ordered from the towns occupied as military stations a large number of persons, either openly or secretly disloyal, to prevent the guerrillas getting information of the townspeople which they will no longer be able to get of the farmers. The execution of these orders will possibly lead to a still fiercer and more active struggle, requiring the best use of the additional troops the general commanding has sent me, but will soon result, though with much unmerited loss and suffering, in putting an end to this savage border war.

I am, colonel, very respectfully, your obedient servant,

THOMAS EWING, Jr., *Brigadier-General.*

[Ibid., Vol. XXII, Part I, pp. 579–585.]

On the same subject, Major-General Schofield, commanding the Department of the Missouri, stated in a letter to the Adjutant-General of the Army:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., September 14, 1863.

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington, D. C.

COLONEL: I have the honor to forward herewith, for the information of the General in Chief, Brigadier-General Ewing's report of the burning of Lawrence, Kans., and massacre of its inhabitants, and of the operations of his troops in the pursuit and punishment of the rebels and assassins who committed the atrocious deed.

Immediately after his return from the pursuit of Quantrill, on the 25th of August, General Ewing issued an order depopulating certain counties, and destroying all forage and subsistence therein. The reasons which led him to adopt this severe measure are given in his report.

The people of Kansas were, very naturally, intensely excited over the destruction

of one of their fairest towns, and the murder of a large number of its unarmed citizens, and many of them called loudly for vengeance, not only upon the perpetrators of the horrible crime, but also upon all the people residing in the western counties of Missouri, and who were assumed to be more or less guilty of aiding the criminals. It would be greatly unjust to the people of Kansas, in general, to say that they shared in this desire for indiscriminate vengeance; but there were not wanting unprincipled leaders to fan the flame of popular excitement and goad the people to madness, in the hope of thereby accomplishing their own selfish ends.

On the 26th of August a mass meeting was held in the city of Leavenworth, at which it was resolved that the people should meet at Paola on the 8th of September, armed and supplied for a campaign of fifteen days, for the purpose of entering Missouri to search for their stolen property and retaliate upon the people of Missouri for the outrages committed in Kansas. This meeting was addressed by some of the leading men of Kansas in the most violent and inflammatory manner, and the temper of these leaders and of their followers was such that there seemed to be great danger of an indiscriminate slaughter of the people in western Missouri, or of a collision with the troops, under General Ewing, in their efforts to prevent it. Under these circumstances, I determined to visit Kansas and western Missouri for the purpose of settling the difficulty, if possible, and also for the purpose of gaining more accurate information of the condition of the border counties of Missouri, and thus making myself able to judge of the wisdom and necessity of the severe measures which had been adopted by General Ewing.

I arrived at Leavenworth City on the 2d of September and obtained an interview with the governor of the State and other prominent citizens. I found the governor and his supporters opposed to all unauthorized movement on the part of the people of Kansas, and willing to cooperate with me in restoring quiet and in providing for future security. I then sought and obtained an interview with the Hon. J. H. Lane, United States Senator, who was the recognized leader of those engaged in the Paola movement. Mr. Lane explained to me his views of the necessity, as he believed, of making a large portion of western Missouri a desert waste, in order that Kansas might be secure against future invasion. He proposed to tender to the district commander the services of all the armed citizens of Kansas to aid in executing this policy. This, I informed him, was impossible; that whatever measures of this kind it might be necessary to adopt must be executed by United States troops; that irresponsible citizens could not be intrusted with the discharge of such duties. He then insisted that the people who might assemble at Paola should be permitted to enter Missouri "in search of their stolen property," and desired to place them under my command, he (General Lane) pledging himself that they should strictly confine themselves to such search, abstaining entirely from all unlawful acts. General Lane professed entire confidence in his ability to control, absolutely, the enraged citizens who might volunteer in such enterprise. I assured Mr. Lane that nothing would afford me greater pleasure than to do all in my power to assist the outraged and despoiled people to recover their property, as well as to punish their despoilers; but that the search proposed would be fruitless, because all the valuable property which had not already been recovered from those of the robbers who had been slain had been carried by the others far beyond the border counties, and that I had not the slightest faith in his ability to control a mass of people who might choose to assemble under a call which promised the finest possible opportunity for plunder. General Lane desired me to consider the matter fully, and inform him as soon as possible of my decision, saying if I decided not to allow the people the "right" which they claimed, he would appeal to the President. It was not difficult to discover that so absurd a proposition as that of Mr. Lane could not have been made in good faith, nor had I much difficulty in detecting the true object which was proposed to be accomplished, which was to obtain, if possible, my consent to accept the services of all who might meet at Paola and take them into Missouri under my command, when I, of course, would be held responsible for the murder and robbery which must necessarily ensue.

I soon became satisfied that, notwithstanding Mr. Lane's assertion to the contrary, he had no thought of trying to carry out his scheme in opposition to my orders, and that the vast majority of the people of Kansas were entirely opposed to any such movement. On the 4th of September I published an order, a copy of which is inclosed, prohibiting armed men, not in the military service, from passing from one State into the other, and sent a sufficient force along the State line to enforce the order against any who might be disposed to disobey it. The people quietly acquiesced. The Paola meeting, which had promised to be of gigantic proportions, dwindled down to a few hundred people, who spent a rainy day in listening to speeches and passing resolutions relative to the Senator from Kansas and the commander of the Department of the Missouri.

* * * * * * *

Not the least of the objects of my visit to the border was to see for myself the condition of the border counties, and determine what modification, if any, ought to be made in the policy which General Ewing had adopted. I spent several days in visiting various points in the counties affected by General Ewing's order; and in conversing with the people of all shades of politics who are most deeply affected by the measures adopted, I became fully satisfied that the order depopulating certain counties, with the exception of specified districts, was wise and necessary. That portion of the order which directed the destruction of property I did not approve, and it was modified accordingly.

The evil which exists upon the border of Kansas and Missouri is somewhat different in kind and far greater in degree than in other parts of Missouri. It is the old border hatred intensified by the rebellion and by the murders, robberies, and arson which have characterized the irregular warfare carried on during the early periods of the rebellion, not only by the rebels, but by our own troops and people. The effect of this has been to render it impossible for any man who openly avowed and maintained his loyalty to the Government to live in the border counties of Missouri outside of military posts. A large majority of the people remaining were open rebels, while the remainder were compelled to abstain from any word or acts in opposition to the rebellion at the peril of their lives. All were practically enemies of the Government and friends of the rebel guerrillas. The latter found no difficulty in supplying their commissariat wherever they went, and, what was of vastly greater importance to them, they obtained prompt and accurate information of every movement of our troops, while no citizen was so bold as to give us information in regard to the guerrillas. In a country remarkably well adapted by nature for guerrilla warfare, with all the inhabitants practically the friends of the guerrillas, it has been found impossible to rid the country of such enemies. At no time during the war have these counties been free from them. No remedy short of destroying the source of their great advantage over our troops could cure the evil.

I did not approve of the destruction of property, at first contemplated by General Ewing, for two reasons, viz, I believe the end can be accomplished without it, and it can not be done in a reasonable time so effectually as to very much embarrass the guerrillas.

The country is full of hogs and cattle, running in the woods, and of potatoes in the ground and corn in the field, which can not be destroyed or moved in a reasonable time.

I hope the time is not far distant when the loyal people can return in safety to their homes, and when those vacated by rebels will be purchased and settled by people who are willing to live in peace with their neighbors on both sides of the line.

The measure which has been adopted seems a very harsh one; but, after the fullest examination and consideration of which I am capable, I am satisfied it is wise and humane. It was not adopted hastily, as a consequence of the Lawrence massacre. The subject had long been discussed between General Ewing and myself, and its necessity recognized as at least probable. I had determined to adopt the milder policy of removing all families known to be connected with or in sympathy with the guerrillas, and had commenced its execution before the raid upon Lawrence. The utter impossibility of deciding who were guilty and who innocent, and the great danger of retaliation by the guerrillas upon those who should remain, were the chief reasons for adopting the present policy. In executing it a liberal test of loyalty is adopted. Persons who come to the military posts and claim protection as loyal citizens are not turned away without perfectly satisfactory evidence of disloyalty. It is the first opportunity which those people have had since the war began of openly proclaiming their attachment to the Union without fear of rebel vengeance.

* * * * * * *

I am, colonel, very respectfully, your obedient servant,

J. M. SCHOFIELD, *Major-General.*

[Ibid., pp. 572–575.]

On November 18, 1863, General Ewing, having in contemplation the return to their homes of the loyal residents of the border counties, telegraphed Major-General Schofield as follows:

KANSAS [CITY], *November 18, 1863.*

Maj. Gen. J. M. SCHOFIELD, *St. Louis:*

I shall endeavor to get the settlements in neighborhoods where men can maintain military organizations. It is important to provide my [by] order for the organization of small companies to whom issues should be made of guns and pistols and cloth-

ing. There will be about 300 of such reliable men in the three counties. Shall I provide in the order for such organization and issues?

THOMAS EWING, Jr., *Brigadier-General.*

[Book No. 407, Department of the Missouri, p. 164.]

To this telegram General Schofield replied, also by telegraph, on the same date, authorizing the organization of the border men into companies of convenient size, as proposed by General Ewing, stating that he would recognize them as militia in active service and authorize the issue of arms, clothing, and subsistence. Following is a copy of General Schofield's telegram:

NOVEMBER 18, 1863.

Brigadier-General EWING, *Kansas City, Mo.:*

Organize the men who return to the border counties into companies of convenient size, as you propose. I will recognize them as militia in active service and authorize the issue of arms, clothing, and subsistence. I will send from here clothing for that specific purpose.

J. M. SCHOFIELD, *Major-General.*

[Book No. 108, Department of the Missouri, p. 261.]

On the 20th of November General Ewing issued a general order announcing the conditions under which former residents of the depopulated districts might return to their homes. This order provided, among other things, that all men permitted to return (loyal men only) should be organized, as far as practicable, into companies of "militia of the State in active service" for the protection of their homes against the attacks of guerrilla bands. Following is a copy of the order:

GENERAL ORDERS, No. 20. HEADQUARTERS DISTRICT OF THE BORDER, *Kansas City, Mo., November 20, 1863.*

I. Loyal persons, formerly resident in that part of the district from which the inhabitants were required to remove by General Orders, No. 11, may obtain permits to return and safeguards for persons and property in the manner and on the terms herein prescribed. Applications for such permits and safeguards will be made to the officer commanding at one of the following stations nearest the applicant's place of residence, to wit, Westport, Independence, Hickman Mills, Pleasant Hill, Harrisonville, Trading Post, and must be accompanied with satisfactory proof of the uniform loyal conduct and reputation of the applicants. When the applicant is the head of a family, the permit or safeguard will name the applicant and the nonadult children of the family. Each adult of a family will make separate proofs and receive a separate permit and safeguard. The commanding officer of each of the stations named will keep a record of the names, ages, and places of residence of persons to whom such permits and safeguards are issued by him, and of the persons by whom their loyalty is shown, and also, in like manner, a record of persons to whom he refuses to issue such permits and safeguards. Transcripts of the record will be sent to these headquarters from time to time with the trimonthly reports. Such permits and safeguards will be in the form hereinafter prescribed. When proof is made in any case to the satisfaction of the station commander, he will fill up carefully the blanks in such form, and sign the permit and safeguard, and forward the same to these headquarters for the approval of the general commanding. No such permit and safeguard will be valid without such approval indorsed upon it. Save in exceptional instances, such permits will not be given at present to persons owning no lands or crops or having no sufficient means of support in the district named, nor to persons living in the timber more than three miles distant from any station, nor to persons having near relatives or connections in the rebel service. Where in their judgment such exceptions should be made, commanders of stations will send to these headquarters, in writing, the reasons for such exception.

II. If any person in the military service of the United States shall knowingly and willfully commit any act of injury to the person or property of any resident holding such safeguard, he shall be arrested and sent here for trial by court-martial for the offense of forcing a safeguard, which is one of the gravest in the Articles of War. If any person not in the military service of the United States shall knowingly and willfully commit such act of injury, he shall be arrested and sent here for trial by military commission. When any person holding such safeguard or permit shall

willfully violate any one of the conditions on which it is given, such person shall be arrested and sent here by the nearest station commander for trial and punishment. In case the person so offending is a woman, and the head of a family, she shall be ordered out of the district by such commander, and failing to go, will be sent here with her family for removal.

III. If any person or persons shall settle in the district named without such permission in writing being first regularly obtained, such person or persons will be notified by the nearest station commander to leave the district, and on failure to do so will be arrested and sent here for removal.

IV. The requisite authority having been obtained, commanders of stations named above will cause all the men who are allowed to return to be organized, as far as practicable, in companies in the several neighborhoods. Each company will consist of not less than thirty men, living within convenient distances of the place of rendezvous, and arms, clothing, and rations will be issued to them. They will be received by the proper authorities as militia of the State in active service. The general commanding attempts this early settlement of the depopulated district at the urgent solicitation of many loyal men, who are now willing to try to live again at their homes. He will aid them to the utmost with the troops under his command, and assure them that no rebel families will be allowed to return to entice back and support the guerrillas. But, after all, the question whether the guerrillas can come back to resume their ravages, depends much upon the action of the loyal inhabitants themselves. They must return to their farms, not as noncombatants, but thoroughly armed and organized in each neighborhood. It is chiefly by such neighborhood organization that they can hope to save themselves and their property, keep out the guerrillas, and insure a permanent and prosperous resettlement of the border.

By order of Brigadier-General Ewing:

H. HANNAHS,
Acting Assistant Adjutant-General.

(Here follows a form of permit and safeguard.)

[Official Records of the Union and Confederate Armies, Series I, Vol. XXII, Part II, p. 713.]

On the date of this order, November 20, 1863, a letter was addressed by General Ewing to the military commanders at Harrisonville, Westport, Hickman Mills, Independence, Trading Post, and Pleasant Hill, as follows:

HEADQUARTERS DISTRICT OF THE BORDER,
Kansas City, Mo., November 20, 1863.

COMMANDING OFFICER OF ———.

SIR: I inclose you a copy of Order No. 20, and forms of permits and safeguards. I want you to devote your most careful attention to the due execution of this order, as the success of the effort depends chiefly on the manner of its execution.

Let no men of doubtful loyalty have permits. Give no permits under any circumstances to women of bad character, though they be loyal. And, in fact, discourage the idea of women going to places remote from the station unless they have visible means of honest support. The great evil of the border was the multitude of lewd women infesting it heretofore and attracting the guerrillas. That evil must not be allowed to take root again.

In doubtful cases throw the doubt against the applicant, so that all may understand distinctly that this step is for the loyal alone.

If possible, get one or more companies organized to go out from the post and form a nucleus for resettlement. The more of such centers of settlement that can be established, the more prompt will be the resettlement of the country. The men so organized will be allowed all the time they can spare from the defense of their own settlement to plow and cultivate the farm on which they live. They will be fed, clothed, and armed (with pistols as well as rifled muskets) by the Government, and will be received by General Schofield as State militia in active service, which will entitle them to pay the same as other provisional companies. I rely chiefly on the organization of these companies for a successful resettlement of the border.

Do not fail to let me hear from you whenever any question of interest arises on this subject.

I am, very truly, yours,

THOMAS EWING,
Brigadier-General.

[Book No. 400, Department of the Missouri, p. 282.]

On the same date also, November 20, 1863, General Ewing wrote to General Schofield, requesting a supply of clothing. He said:

KANSAS [CITY], *November 20, 1863.*

Major-General SCHOFIELD, *St. Louis:*

Please have complete outfit of clothing for 350 border Missouri militia shipped at once, invoiced to Capt. Theo. S. Case, district quartermaster, here. When will it be shipped?

THOMAS EWING, Jr.,
Brigadier-General.

[Book No. 407, Department of the Missouri, p. 166.]

On the 2d of December General Ewing communicated by telegraph with department headquarters relative to the muster in of the border companies. Following is a copy of his telegram of that date:

KANSAS CITY, *December 2, 1863.*

Maj. O. D. GREENE,
Assistant Adjutant-General, Department of the Missouri, St. Louis, Mo.:

By whom shall the border companies be mustered? Shall those who organized under my order No. 12, and have done service regularly, be mustered back to date of commencement of service?

THOMAS EWING, Jr.,
Brigadier-General.

[Ibid., p. 169.]

To this telegram a reply was sent by direction of General Schofield under date of December 3, 1863, as follows:

DECEMBER 3, 1863.

General EWING, *Kansas City, Mo.:*

The general commanding directs that the border companies be mustered by your assistant commissary of musters. All will be mustered to cover their actual service.

O. D. GREENE,
Assistant Adjutant-General.

[Book No. 108, Department of the Missouri, p. 279.]

It is here to be remarked that General Ewing's order No. 12, referred to in his telegram of December 2, has not been discovered, but on September 24, 1863, an order was issued by the commanding officer of the post of Kansas City, "in pursuance of General Orders, No. 12, dated headquarters District of the Border," directing the organization of the loyal citizens of the post into companies "for the defense of the station." Following is a copy of the order:

GENERAL ORDERS, No. 3. HEADQUARTERS POST, *Kansas City, Mo., September 24, 1863.*

I. In pursuance of General Orders, No. 12, dated headquarters District of the Border, the loyal citizens of this military post will be organized into companies, drilled and armed for the defense of the station.

II. The loyal citizens of this station are called upon to organize themselves into companies of not less than 40 nor more than 100 men, elect their officers, and report to these headquarters, when they will be armed and equipped ready for service.

III. It is not the intention of the commanding officer of this station to use the troops thus organized for active service except in case of emergency, and then only for the defense of the station.

IV. The commanding officer of this station trusts that the citizens will see the importance and necessity of this organization, and that they will respond to the call, and by so doing avoid the necessity of more stringent measures to enforce this order.

By order of H. H. Williams, major Tenth Kansas Volunteers, commanding post:

I. M. RUTH,
Lieutenant and Post Adjutant.

[Book No. 942, Department of the Missouri.]

The border companies were as follows:

Harrisonville Companies.

Capt. Alexander Robinson's company: This company was accepted into service December 24, 1863, at Harrisonville, Mo., under authority of Major-General Schofield, dated November 18, 1863, quoted above, as a company of Enrolled Missouri Militia. The records, however, show that it was ordered into active service September 14, 1863, and continued in active service until March 12, 1865, when it was relieved from duty. It was recognized by the State of Missouri as an independent company of Cass County Enrolled Missouri Militia, and was paid by the State. A majority of its members were over the military age and were mustered "only to secure for them the pay for services rendered."

Capt. Elias P. West's company: This company was accepted into service December 25, 1863, at Harrisonville, Mo., under authority of Major-General Schofield, dated November 18, 1863, quoted above, as a company of Enrolled Missouri Militia. The records, however, show that it was ordered into active service September 14, 1863, and continued in active service until November 18, 1864, when it was relieved from duty. It was recognized by the State of Missouri as Company K, Seventy-seventh Enrolled Missouri Militia, and was paid by the State. A majority of its members were over the military age and were mustered "only to secure for them the pay for services rendered."

Hickman Mills Companies.

First Lieut. Jacob Axline's company: This company was organized December 25, 1863, at Hickman Mills, Mo., under authority granted by General Schofield to General Ewing, November 18, 1863, quoted above. It was accepted into service January 1, 1864, as a company of Enrolled Missouri Militia. A large percentage of the men were over the military age and were mustered "only to secure for them the pay for services rendered." It was relieved from duty March 25, 1864. Although mustered in as an Enrolled Militia company, it was not recognized by the State authorities as a militia organization and was not paid by the State, but was paid by the United States under special legislation of Congress, hereafter to be referred to.[a]

Capt. David Tate's Company of Mounted Men: This company was organized April 9, 1864, at Hickman Mills, Mo., ordered into active service on the same date, and was relieved from duty March 12, 1865. No specific authority for its organization has been discovered. It was not recognized by the State authorities as a militia organization and was not paid by the State, but was paid by the United States under special legislation of Congress, hereafter to be referred to.[a]

Independence Companies.

Company A, Independence Home Guard, Enrolled Missouri Militia, commanded by Capt. Peter Hinter: This company was organized August 14, 1863, at Independence, Mo., was ordered into active service August 17, 1863, at the place of organization, by General Thomas Ewing, and was relieved from duty February 17, 1864, by the same

[a] See p. 177.

officer. This company performed guard and picket duty during the period of its service and was paid by the State of Missouri as a militia organization.

Company A, Independence Citizen Home Guards: This company was organized June 11, 1864, at Independence, Mo., ordered into active service June 14, 1864, and was relieved from duty December 14, 1864. During the period of its service it performed guard and picket duty and some scouting during the period of "Price's raid." It was commanded by Capt. Peter Hinter, but its personnel is different from that of the original company commanded by that officer. It was paid by the State of Missouri as Missouri militia.

Company B, Citizen Home Guards, Missouri Militia, commanded by Capt. Francis Little: This company was organized August 17, 1863, at Independence, Mo., was ordered into active service on the same date, and was relieved from duty February 17, 1864, by order of General Ewing. During the period of its service it performed guard and picket duty at Independence, Mo. It was paid by the State of Missouri as a militia organization.

First Lieut. William N. O. Monroe's company (also known as Wayne City Independent Company): This company was accepted into service January 15, 1864, at Kansas City, Mo., under authority of Major-General Schofield, dated November 18, 1863, quoted above, as a company of Enrolled Missouri Militia. The records, however, show that it was ordered into active service December 23, 1863, and continued in active service until December 14, 1864, when it was relieved from duty. It was paid by the State of Missouri as a militia organization.

Kansas City Station Guards.

Company A (Independent), Kansas City Station Guards, commanded by Capt. Caleb A. Carpenter: This company was organized October 3, 1863, at Kansas City, Mo., under the provisions of General Orders, No. 3, headquarters Post of Kansas City, dated September 24, 1863, quoted above. It was ordered into active service on the date of its organization and was relieved from duty July 9, 1864. As will be seen from the text of the order the company was organized "for the defense of the station." It was not recognized by the State authorities as a militia organization and was not paid by the State, but was paid by the United States under special legislation of Congress, hereafter to be referred to.[a]

Company A, Kansas City Station Guards, commanded by Capt. Caleb A. Carpenter: This company was organized September 1, 1864, at Kansas City, Mo., ordered into active service on the same date and relieved from duty March 12, 1865. It was not recognized by the State authorities as a militia organization and was not paid by the State, but was paid by the United States under special legislation of Congress, hereafter to be referred to.[a]

Company B, Kansas City Station Guards, Missouri State Militia, commanded by Capt. James Hickman: This company was organized October 3, 1863, at Kansas City, Mo., by authority of General Ewing, and apparently under the provisions of General Orders, No. 3, headquarters Post of Kansas City, September 24, 1863, before referred to. It was ordered into active service on the date of its organization and was relieved from duty July 9, 1864. It was not recognized by the

[a] See p. 177.

State authorities as a militia organization and was not paid by the State, but was paid by the United States under special legislation of Congress, hereafter to be referred to.[a]

Company B, Kansas City Station Guards, commanded by Capt. Rufus Montgall: This company was organized August 9, 1864, at Kansas City, Mo., by authority of General Schofield, and was on active duty from the date of its organization to March 12, 1865. It was not recognized by the State authorities as a militia organization and was not paid by the State, but was paid by the United States under special legislation of Congress, hereafter to be referred to.[a]

Company C, Kansas City Station Guards, commanded by Capt. Jesse P. Alexander: This company was organized October 10, 1863, pursuant to General Orders, No. 3, headquarters Post of Kansas City, September 24, 1863, before referred to, was ordered into active service on the date of its organization, and was relieved from duty July 9, 1864. It was again ordered into active service September 1, 1864, and continued on active duty until March 12, 1865, when it was relieved. It was not recognized by the State authorities as a militia organization and was not paid by the State, but was paid by the United States under special legislation of Congress, hereafter to be referred to.[a]

Company D, Kansas City Station Guards, commanded by First Lieut. William J. Gault: This company was organized October 3, 1863, at Kansas City, Mo., "under a general order from Maj. Gen. John M. Schofield, United States Volunteers" (evidently under the provisions of General Orders, No. 3, headquarters Post of Kansas City, September 24, 1863, before referred to), was ordered into active service on the date of its organization and was relieved from duty July 9, 1864. It was not recognized by the State authorities as a militia organization and was not paid by the State, but was paid by the United States under special legislation of Congress, hereafter to be referred to.[a]

Company D, Kansas City Station Guards, commanded by Capt. B. F. Newgent: This company (or "detachment," as it is designated in the pay roll) was organized March 10, 1864, at Kansas City, Mo., ordered into active service on the same date, and relieved from duty March 12, 1865. No specific authority for its organization has been discovered, but it was evidently formed under the general authority given to General Ewing to organize companies of citizen guards for local service. It was not recognized by the State authorities as a militia organization and was not paid by the State, but was paid by the United States under special legislation of Congress, hereafter to be referred to.[a]

Company D, Kansas City Station Guards, commanded by Capt. B. L. Riggins: This company was organized (or reorganized, as stated in the roll) June 12, 1864, at Kansas City, Mo., was ordered into active service June 13, 1864, and was relieved from duty November 15, 1864. During the period of its service it performed guard duty at Kansas City and was employed in "digging trenches and throwing up breastworks preparing against an anticipated attack by Price's army." It was not recognized by the State authorities as a militia organization and was not paid by the State, but was paid by the United States under special legislation of Congress, hereafter to be referred to.[a]

Company E, Kansas City Station Guards, commanded by Capt William O. Shouse: This company was organized June 13, 1864, at Kan-

[a] See p. 177.

sas City, Mo., was ordered into active service on the same date, and was relieved from duty November 16, 1864. No specific authority for its organization has been discovered, but it was evidently formed under the general authority given to General Ewing to organize companies of citizen guards for local service. It was "on constant duty during Price's raid protecting commissary stores, etc." It was not recognized by the State authorities as a militia organization and was not paid by the State, but was paid by the United States under special legislation of Congress, hereafter to be referred to.[a]

Company E, Militia, of the Kansas City Guards, commanded by Capt. Peter Causey: This company was organized June 13, 1864, at Kansas City, Mo., "in pursuance of general orders, dated headquarters Fourth Subdistrict, District of Central Missouri, Kansas City, Mo., June 12, 1864." No original record of this order has been discovered, but the quotation on the roll reads as follows:

> Those citizens who have not already enrolled themselves in either the Enrolled Missouri Militia, Captain Carpenter's or Captain Hickman's company, will immediately proceed to organize themselves into companies of 100, electing their own officers, and report to these headquarters in twenty-four hours.

This company was "on constant duty as picket and station guard from 13th day of June, 1864, to 15th day of November, 1864, and during the time of Price's raid in the month of October, 1864, the entire company was constantly engaged on fortifications." It was relieved from duty November 15, 1864. It was not recognized by the State authorities as a militia organization and was not paid by the State, but was paid by the United States under special legislation of Congress, hereafter to be referred to.[a]

Pleasant Hill Company.

Pleasant Hill Company, commanded by Capt. Andrew Allen: This company was accepted into service December 25, 1863, at Pleasant Hill, Mo., under authority of General Schofield, dated November 18, 1863, quoted above, as a company of Enrolled Missouri Militia. The records, however, show that it was ordered into active service September 18, 1863, and continued in active service until November 18, 1864, when it was relieved from duty. It was recognized by the State of Missouri as Company I, Seventy-seventh Enrolled Missouri Militia, and was paid by the State. A large percentage of its members were over the military age, and were mustered "only to secure for them the pay for services rendered."

Westport Police Guard.

Capt. William A. Bevis's company: This company was organized October 9, 1863, at Westport, Mo.; was ordered into active service on the same date, and was relieved from duty July 9, 1864. It was again ordered into active service September 1, 1864, and relieved from duty March 12, 1865. No specific authority for the organization of this company has been discovered, but it was evidently organized under General Ewing's General Orders, No. 12, which has not been found of record. It was not recognized by the State authorities as a militia organization and was not paid by the State, but was paid by the United States under special legislation of Congress, hereafter to be referred to.[a]

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[a] See p. 177.

The muster-in rolls of five of the companies whose histories are given above, viz, those commanded by Capts. Alexander Robinson, Elias P. West, and Andrew Allen, and Lieuts. Jacob Axline and William N. O. Monroe, indicate that it was the intention of the mustering officer, who was a United States mustering officer, to muster the companies, which were designated as Enrolled Missouri Militia, into the service of the United States. It will be observed, however, that the authority given by Major-General Schofield (November 18, 1863) for their organization contemplated their recognition as "militia in active service," and that it was General Schofield's intention to so recognize them is shown by a certificate given by him in 1870, when the question of the payment of some of the companies organized by General Ewing was pending in Congress. This certificate reads as follows:

FORT LEAVENWORTH, KANS., *May 28, 1870.*

I hereby certify that the organization known as the "Kansas City Station Guards," called into service in the year 1863 by General Thomas Ewing, jr., under authority given him by me, and all other companies of Missouri militia called into service at the same time and under the same authority, were intended to be placed upon the same footing as to pay and allowances as other militia in active service.

The authority was given by me not only as major-general, United States Army, commanding the Department of the Missouri, but as major-general of the State of Missouri, commanding, by the governor's authority, all the militia of the State, with full power to call into active service such portion of the militia as I might think expedient.

Authority had been given by the National Government to arm, clothe, and feed such troops; but no provision of law had yet been made for their payment. Hence pay was not promised them at the time of their organization. The same was true of the enrolled militia generally. The organization above named has, in my opinion, the same title to pay, and from the same source, as other enrolled militia when in active service.

J. M. SCHOFIELD, *Major-General.*

[E 116, V. S., 1869.]

Consistently with the record and the views expressed by General Schofield in the foregoing certificate, it was decided by the Assistant Secretary of War, in 1895, that the companies designated above by the names of their commanding officers were not in the military service of the United States, the action of the mustering officer evidently having been "a mistake on his part," and certainly, if intended to muster the companies into the United States service, was without authority, and therefore void. (R. & P., 386101.) It is now seen that all of these companies, with the single exception of the company commanded by Lieutenant Axline, were recognized and paid by the State as Enrolled Missouri Militia.

By an act of Congress approved April 12, 1871, the "Westport Police Guards," "Hickman Mills Company," and the "Kansas City Station Guards," were placed on the same footing as to pay and allowances as volunteers in the service of the United States. This act of Congress is in terms as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the military organizations known as the "Westport Police Guards," "Hickman Mills Company," and companies A, B, C, D, and E, of the "Kansas City Station Guards," having been called into the service of the United States, in the year eighteen hundred and sixty-three, in the District of the Border, Department of the Missouri, under authority derived from Maj. Gen. John M. Schofield, United States Army, be, and they are hereby, placed on the same footing as to pay and allowances as volunteers in the service of the United States.

SEC. 2. That it shall be the duty of the proper accounting officers of the Treasury Department to adjust the accounts of all members of the above-described organiza-

tions, and, on presentation of properly authenticated rolls, showing the names of all officers and men belonging to such organizations and the term of service of each, and of such other evidence as may be required to fully prove such service, the said accounting officers shall pay the accounts out of any money in the Treasury not otherwise appropriated: *Provided, however*, That this act shall not be so construed as to entitle the members of said military organizations to bounty or pensions under any law of the United States.

Approved, April 12, 1871.

[17 Stat. L., p. 641.]

It will be observed that this act specifically provides that it shall not be so construed as to entitle the members of the organizations referred to to bounty or pension.

As regards the companies for whose relief the legislation of April, 1871, was enacted, a former adjutant-general of the State said in an affidavit dated January 3, 1870:

STATE OF MISSOURI, *County of St. Louis:*

John B. Gray, of St. Louis, Mo., who, being duly sworn according to law, deposes and says: That he was State adjutant-general of the State of Missouri during the years of 1863, 1864, and part of the year 1865. That the companies of troops called the "Kansas City Station Guards" and "Hickman Mills Company," and the "Westport Police Guards," organized by General Thos. Ewing, Jr., United States Army, in October, 1863, were not formed under authority of the State of Missouri, and made no returns to the headquarters of the State of Missouri. That the organizations aforesaid were created and supported by the United States and were not subject to orders of State officers. Deponent further states that in the reimbursement made by the United States to the State of Missouri by the operations of the act of Congress of April 17, 1866, for moneys expended by the State of Missouri in support of her militia during the war, the payment for the services rendered by the companies aforesaid was not included, said companies never having been paid anything by the State of Missouri, for the reason that they were not considered as State troops, as heretofore stated; and deponent further states that he acted as agent for the State of Missouri in the matter of her reimbursement, presenting all of the claims to the commission appointed under the act aforesaid, as well as to the United States Treasury, and that he is personally knowing to the facts stated, and further deponent says not.

JOHN B. GRAY.

Sworn and subscribed to before me this 3d day of January, A. D. 1870, at St. Louis, Mo.

G. D. O. KELLMAN,
Notary Public, St. Louis County, Mo.

[E 116, V. S., 1869.]

It will be seen from the foregoing that the companies of Citizen Guards formed in the District of the Border were organized for their own protection, or for purely local service, and that they were either recognized and paid by the State as Enrolled Missouri Militia, or have been paid by the United States, under special legislation authorizing it, for the time they were in active service. They were not in the military service of the United States, either as volunteers or as State militia.

As shown in this paper there were twenty companies of Citizen Guards organized in the District of the Border. These are all of which a record has been discovered.

DISTRICT OF SOUTHWEST MISSOURI.

Under date of September 13, 1863, an order was issued by Brig. Gen. John McNeil, United States Volunteers, commanding the District of Southwest Missouri, in which he authorized the loyal citizens of

the district to associate themselves together for the defense of their homes and families "against the lawless invasion of guerrillas, or the depredations of bushwhackers and horse thieves." Following is a copy of the order:

GENERAL ORDERS, No. 34. } HEADQUARTERS DISTRICT OF SOUTHWEST MISSOURI, *Springfield, Mo., September 13, 1863.*

I. All loyal citizens of this district applying to these headquarters to carry arms in their own defense, or to associate with their loyal neighbors for the defense of their homes and their families against the lawless invasion of guerrillas, or the depredations of bushwhackers and horse thieves, can have a permit for that purpose on the certificate of any properly appointed provost-marshal nearest their place of abode certifying to their loyalty.

II. These certificates of loyalty will only be issued to those who have been actively loyal during all the time of this rebellion; and to be loyal at these headquarters means to have been an active and sympathetic supporter of the Government of the United States in all its measures to suppress this rebellion. The citizen who has chosen the position of neutrality, and who claims or has claimed to have "done nothing on nary side," is not loyal and will not be trusted with arms.

III. When the inhabitants of neighborhoods associate under this order they will select from their fellows a responsible citizen as captain, and such other officers as may be necessary for a proper organization. A roster of the officers and a roll of the members will be furnished to the district provost-marshal at Springfield, Mo., immediately after their associating for the purpose indicated.

IV. These associations being expressly authorized for the defense and protection of persons and neighborhoods from lawless violence in the absence of legally authorized force, it is distinctly announced that they will not be allowed to set on foot any military expedition or enterprise, or to make prize of war for their own profit or advantage. If assailed they must repel, pursue, and, if possible, destroy the assailing foe. If justly apprehensive of assault they can anticipate such assault by attack, and do all such acts as would be justified in times of peace in protecting themselves against lawless depredators. All such expeditions and their results will be reported to these headquarters, and all property seized will be turned over to the district provost-marshal.

V. Violation of the above orders will subject the parties found guilty to be treated as bushwhackers, and it is to be distinctly understood that in issuing this order the district commander has alone in view the protection of the loyal and peaceful citizens, and will, with all the power in his control, punish and repress lawless violence and brigandism.

By order of Brig. Gen. John McNeil:

[C. G. LAURANT,]
Assistant Adjutant-General.

[Book No. 607, Department of the Missouri, p. 38.]

Under authority of this order a company or detachment commanded by Capt. T. J. Stemons, consisting of three officers and fourteen men, was organized February 27, 1864, in Jasper County. It is evident from the order that the detachment was organized solely for home defense. It was not recognized or paid by the State of Missouri as a militia organization, nor was it accepted into the service of the United States. No record has been found that it rendered any service, either to the State or the United States.

It is possible that other organizations were formed under the provisions of General Orders, No. 34, but no record of any such additional organizations has been discovered.

DISTRICT OF CENTRAL MISSOURI.

On March 10, 1864, Brig. Gen. E. B. Brown, United States Volunteers, commanding the District of Central Missouri, authorized the organization of the loyal citizens of his district into companies "to

assist in the establishment of law and order" and "for local defense and police." This was done in an order of which the following is a copy:

GENERAL ORDERS, No. 12. } HEADQUARTERS DISTRICT OF CENTRAL MISSOURI, *Warrensburg, Mo., March 10, 1864.*

The protection of the citizens of the country from the acts of bad men demands that every person should be required to assist in the reestablishment of law and order, and that this may be the more effectually done, all male citizens capable of handling a gun who are known to be reliable, honest men, and who will support and defend the Government of the United States, will be organized into companies for local defense and police. Commanding officers of the Second and Third Subdistricts will detail competent officers with sufficient force, to whom will be assigned the duty of enrolling the citizens, and who will be stationed at central points in the vicinity of which there are a sufficient number of inhabitants to form companies.

As soon as the lists of names, with those of the officers selected, are made they will be forwarded to these headquarters, and the requisite arms and ammunition will be furnished. When the companies are organized and armed, one-tenth of the whole number will be detailed by the commanding officers for patrol and guard duty. This duty will be confined to the precincts within which the companies are organized, and the details may be changed every three days, so that the whole company will be on duty once in a month's time.

The detail will be increased when, in the opinion of the company commander, the public good demands it. In case of danger the alarm will be given and every man will be put under arms. Commanding officers of companies will give timely notice of the number of the detail for patrol duty, so that the necessary arrangements can be made to promptly comply with them, and do as little injury to private interests as possible. The officers will be elected in the same manner as is required by law for the organization of the Enrolled Missouri State Militia. Maj. M. Chapman, acting assistant adjutant-general Fifth Military District, will have special charge of the arming of this irregular force in La Fayette, Johnson, and Saline counties. As soon as the enrollment and organization of the Enrolled Missouri Militia is perfected, the companies on duty in obedience to this order will be relieved by companies of Enrolled Missouri Militia.

By order of Brigadier-General BROWN:

J. H. STEGER,
Assistant Adjutant-General.

[Official Records of the Union and Confederate Armies, Series I, Vol. XXXIV, Part II, p. 568.]

With regard to the necessity for this organization, General Brown wrote to department headquarters, March 13, 1864, as follows:

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Warrensburg, Mo., March 13, 1864.

Maj. O. D. GREENE,
Assistant Adjutant-General, St. Louis, Mo.

MAJOR: I have the honor to transmit, for the information of the major-general commanding, General Orders, No. 12, from these headquarters, requiring the citizens to organize companies for local police duty. The few guerrillas and bandits in the country are in parties of from two to fifteen; though active scouts on foot in the brush and mounted in the more open country have killed several of them in the past twenty days, and will eventually clear the country of them, yet it fails to inspire confidence and self-reliance in the people, and it is deemed best to form these organizations immediately. The enrollment of the Enrolled Missouri Militia would be sufficient in the populous districts if it was or could be completed soon enough to meet the present emergency, but this would fail to afford the necessary protection in the more sparsely settled districts, as the majority of able-bodied citizens who are liable to military duty have entered one of the armies, while the exempts, with those who would pay, not fight, would leave few or none for military service. These reasons will explain why I have thought it was necessary to make a general organization of the citizens of the district before the militia enrollment was completed. There is this objection to a volunteer organization: The people fear the vengeance of the bushwhackers, and say they would be exposed to being made victims if they join in an attempt to drive them out; and in many localities no combined action could be

had unless it is compelled by military orders. So far as I can learn the order meets with general approval with the people, and in some cases similar organizations have been concurred in by the general commanding.

I am, very truly, your obedient servant,

E. B. BROWN,
Brigadier-General of Volunteers, Commanding.

[Ibid., p. 589.]

On March 30, 1864, General Brown issued a supplementary order in which, among other things, he announced that the organizations of citizens authorized by General Orders, No. 12, would be known as Citizen Guards, and that as they were intended simply as a "citizen patrol, for the protection of themselves and their homes," no claim against the Government could arise on account of their services. Following is a copy of this supplementary order:

GENERAL ORDERS, No. 19. } HEADQUARTERS DISTRICT OF CENTRAL MISSOURI, *Warrensburg, Mo., March 30, 1864.*

I. The organization of citizens, as directed in General Orders, No. 12, current series, from these headquarters, will be known as Citizen Guards.

II. Immediately upon the organization of a company and the election of officers, the commander thereof will report by letter to the commanding officer of the subdistrict in which the company is organized, in order that the organization and election of officers may be confirmed.

III. The reports will state the number and kind of arms then in the possession of the company, and will be accompanied by requisitions for sufficient arms and ammunition to supply those who require them.

IV. All members of the Citizen Guards will be furnished by the district provost-marshal, on the approval of the subdistrict commander, with permits allowing them to keep at their residence the requisite arms and ammunition.

V. As the organization is intended simply as a citizen patrol, for the protection of themselves and their homes, no claim against the Government can arise from services thus rendered.

VI. It is earnestly enjoined upon all officers charged with the organization of this force to admit of no person of doubtful loyalty or honesty becoming a member thereof.

By order of Brigadier-General Brown:

J. H. STEGER,
Assistant Adjutant-General.

[Ibid., p. 788.]

On the date of this order General Brown addressed the governor of the State, emphasizing the fact that the Citizen Guards were to serve without pay, and requesting that he be permitted to arm some of them "from the arms of the State." His letter was as follows:

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Warrensburg, Mo., March 30, 1864.

His Excellency WILLARD P. HALL,
Governor of Missouri, St. Louis, Mo.

GOVERNOR: I have the honor to inclose to you an order directing the citizens to organize Citizen Guards for local police. The duty will be performed without pay. The order gives general satisfaction to honest men; the rogues do not like it. I respectfully ask that I may be permitted to arm some of the citizens who have none from the arms of the State. The captains or leaders of the several companies will make requisitions and receipts for them. The men who are elected and who will be recognized as captains will be good, responsible parties. None other will be received into service. This part of the State is very quiet.

More ground will be tilled this season than has been done since the war began.

I am, very truly, your obedient servant,

E. B. BROWN,
Brigadier-General of Volunteers, Commanding.

[Ibid., p. 787.]

No reply to this letter has been discovered.

With regard to the object of the organization, General Brown wrote, March 31, 1864:

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Warrensburg, Mo., March 31, 1864.

W. H. LEGGETT, Esq.,
Clerk of Hickory County, Hermitage, Mo.

MAJOR: Your communication to the major-general commanding has been referred to me. You have mistaken the object of the order. It is to do just what you say your people are now doing—a Citizen Guard organized for the purpose of protecting each other against bushwhackers, robbers, etc., while they till their lands. None will be in active service, unless they find it necessary for their own safety. They are an organized armed posse to assist in enforcing civil law, and intended for a temporary purpose, the same as you have now, but organized, and for that reason more effective. Every honest man who understands the object of the banding of the citizens together under this order most heartily approves it. Those who clamor against it have some ulterior object in most cases. It is just what you want to protect you from the house burners, etc., that you refer to. I hope, my old friend, to hear that you are made the leader of a Citizen Guard, and that with the troops' assistance you will fully protect yourselves without any apprehension of danger, and without preventing any citizens in Hickory County from raising their "craps" or attending to their ordinary business.

I am, very truly, your obedient servant,

E. B. BROWN,
Brigadier-General of Volunteers.

[Ibid., p. 801.]

In order that the citizens of the District of Central Missouri might distinctly understand their position in "assisting to maintain peace and in securing protection to life and property," the following order was issued by Major-General Pleasonton, then commanding the district:

GENERAL ORDERS, No. 42. HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Warrensburg, Mo., July 29, 1864.

The disturbed state of affairs in this district requires that the citizens should distinctly understand their position in assisting to maintain peace and in securing protection to life and property. Two classes of citizens only will hereafter be recognized at these headquarters, viz, the loyal and the disloyal. All persons whose services are required in their respective districts for the Citizen Guard or other military organizations, and who refuse to serve, or who endeavor to excite insubordination and discontent in those communities, will be considered disloyal. They will be arrested by the commanding officers concerned and sent under proper guard to these headquarters, to be transferred out of the country or otherwise disposed of as may be decided on. Aliens as well as others are expected to show a willingness to defend their own property, and will be required to do so by joining some of the military organizations for that purpose or they will be obliged to leave this district.

By order of Major-General Pleasonton:

J. H. STEGER,
Assistant Adjutant-General.

[Ibid., Series I, Vol. XLI, Part II, p. 456.]

On October 9, 1864, a general order was issued by Major-General Rosecrans, then in command of the Department of the Missouri, and also in command of the militia of the State, in which it was announced that "all citizen organizations for local defense" would be "legalized both for State and United States service" by being denominated "Provisional Enrolled Militia." Under the provisions of that order the Citizen Guard organizations of the District of Central Missouri were discontinued, with a view to the reorganization of their members into companies of Provisional Enrolled Militia. This was done in an order from headquarters of the district, dated January 12, 1865, of which the following is an extract:

GENERAL ORDERS, No. 2. HEADQUARTERS DISTRICT OF CENTRAL MISSOURI, *Warrensburg, Mo., January 12, 1865.*

* * * * * * *

III. The organization in this district known as Citizen Guards is hereby discontinued, and the members thereof will be organized in conformity to the foregoing orders [G. O., No. 192, headquarters Department of the Missouri, dated October 9, 1864]. Commanding officers of the Citizen Guard organizations will turn over the public arms in their possession to the nearest post commander, who will transfer them to the district ordnance depot at Jefferson City, Mo.

* * * * * * *

By order of Col. John F. Philips, commanding:

A. R. CONKLIN,
Acting Assistant Adjutant-General.

[Ibid., Series I, Vol. XLVIII, Part I, p. 500.]

It will be seen from the foregoing that the Citizen Guards of the District of Central Missouri, organized under the provisions of General Orders, No. 12, of March 10, 1864, were formed solely for home protection, and were expected to serve without pay. They were not recognized by the State of Missouri as militia of the State and were not accepted into the military service of the United States. No record has been found of any military service rendered by them, either to the State or the United States.

It is shown by the records that sixty-five companies of these Citizen Guards were organized, the designations of which, by the names of their respective commanders, will appear in an accompanying schedule.

It is also shown by the records that one company of Citizen Guards (commanded by Capt. E. S. Hoge) was organized at California, Mo., under authority of General Orders, No. 107, of June 28, 1864, headquarters Department of the Missouri, and General Orders, No. 42, of July 29, 1864, headquarters District of Central Missouri. The first-mentioned order provided for the formation of companies of Provisional Enrolled Militia; the second order, quoted above, did not authorize the formation of companies of any class. The company was not recognized by the State as a militia organization and evidently should be classed among the organizations formed under General Orders, No. 12, District of Central Missouri, providing for the enrollment of the Citizen Guards, and it has been so classed in the schedule and in the above enumeration.[a]

DISTRICT OF NORTH MISSOURI.

On July 20, 1864, Brig. Gen. Clinton B. Fisk, United States Volunteers, commanding the District of North Missouri, issued an appeal to the loyal men of the district "to rally for the protection of life and property, and the extermination of the Confederate guerrillas" then infesting northwest Missouri (Official Records of the Union and Confederate Armies, Series I, Vol. XLI, Part II, p. 294). In response to this call the "citizen soldiery" turned out "by the thousands" (Ibid., p. 392), but as the companies formed under this call were, with one exception, classed as Enrolled Missouri Militia, and that one company was disbanded for disobedience of orders (Ibid., p. 542), a further history

[a] For information relative to other companies of Citizen Guards organized in the District of Central Missouri, see "Organizations under General Orders, No. 176, Department of the Missouri, 1864," p. 187.

of the matter need not here be given. No rolls or other service records of the disbanded company have been discovered.

On September 28, 1864, during the invasion of the State by General Price, General Fisk ordered the formation of a Citizen Guard for the defense of the city of Glasgow. Following is a copy of the order:

SPECIAL FIELD ORDERS, No. 6. HEADQUARTERS UNITED STATES FORCES, *Glasgow, Mo., September 28, 1864.*

I. An immediate enrollment of every white male person, between the ages of 15 and 50 years, residing in Howard or Chariton County, within one mile of the city hall in Glasgow, is hereby ordered.

Col. Clark H. Greene and M. English are appointed commissioners of enrollment and are authorized to appoint deputies and clerks in order to secure a speedy completion of the rolls.

All persons thus enrolled will be organized into a Citizen Guard under the direction of Maj. Jas. W. Lewis for the defense of Glasgow.

All orders issued by Major Lewis will be respected and obeyed as if promulgated by the district or post commandant.

By order of Brig. Gen. Clinton B. Fisk:

THOS. J. TIDSWELL, Jr.,
Lieutenant and Acting Assistant Adjutant-General.

[Book No. 661, Department of the Missouri, p. 7.]

No record has been found of the organization or service of any company of citizens under this order. It is probable that if such a company was formed it was classified as Enrolled Missouri Militia and paid by the State.

DISTRICT OF ROLLA.

Under date of January 23, 1865, Brig. Gen. E. B. Brown, United States Volunteers, commanding the District of Rolla, issued a general order directing the organization of companies of Citizen Guards for the purpose of defending themselves and their property "from thieves, robbers, marauding bands, guerrillas, and rebels, and to more effectually assist the civil officers and courts in the discharge of their duties." Following is the text of the order:

GENERAL ORDERS, No. 3. HEADQUARTERS DISTRICT OF ROLLA, *Rolla, Mo., January 23, 1865.*

In order that the citizens of this district may be enabled to cooperate in carrying out the policy of the major-general commanding the Department of the Missouri, as has been indicated in General Orders, No. 7, current series, from his headquarters, and thus defend themselves and their property from thieves, robbers, marauding bands, guerrillas, and rebels, and to more effectually assist the civil officers and courts in the discharge of their duties, and by these means restore peace and quiet to the country, it is hereby ordered that all persons capable of handling a gun, and who can be trusted with one, do form themselves into companies of Citizen Guards, composed of such numbers as may be most convenient for the protection of their immediate neighborhoods. The basis of the organization of the companies as above directed must be unconditional loyalty to the Government of the United States and to that of the State of Missouri; a willingness to give an active cooperation to the civil and military authorities in their efforts for the restoration of the civil law in the land and safety to the person and property of its inhabitants, and to assist in a war of extermination, by lawful means, of all guerrillas, bushwhackers, robbers, thieves, and rebels, or other disturbers of the peace and quiet of the country. Without further action from these headquarters, the people will immediately form themselves into companies in the manner prescribed for the organization of the militia under the laws of the State, nominate their officers, who will make out muster rolls and forward them for the approval of the general commanding the district, through the commanding officer of the nearest military post or station, who will certify to the loyalty and integrity of the officers, and, as far as practicable, of the members of such companies. If the organizations are approved special orders will be made confirming them. Company commanders will forward in the same manner an application for permits for

each member to keep or purchase arms and ammunition. No resident citizen in this district will be allowed these privileges unless he is a member of a company of Citizen Guards organized under this order by the 1st day of March next. All commanding officers of posts or stations in this district will assist the people, as far as practicable, in this enrollment and organization, and report all failures after reasonable time to comply with this order. While the Citizen Guards organized under this order will not be considered a regular military force, entitled to pay or other remuneration for their services, yet they are so far hereby legalized as to make them subject to the same laws, rules, and regulations, and are entitled to the same immunities as are applicable for the police of the troops in the United States, and officers are expected to enforce obedience to their orders. Any person who fails to enroll after receiving proper notice to do so, or, after enrolling, fails to assist in the common defense when ordered, will be reported to these headquarters, and after an examination and proof of his neglect of duty he will be sent out of the district. It is not expected that the Citizen Guards will be on active constant duty, yet as many as may be deemed necessary are expected to patrol the country, and thus be able to learn of the movements of bad men and give the alarm if there is danger. As a general rule, one-tenth of the company should be constantly scouting, and give three continuous days each month to this duty, so that, either in person or by substitute, each person will give one-tenth of his time for the common good and have nine-tenths for himself, being in turn guarded by his neighbor, but all to turn out in case of an emergency. The Citizen Guards will thus become an organized armed posse comitatus, and can be made a powerful auxiliary to the civil courts in the country, and at the same time relieve the army of a large amount of labor that legitimately belongs to the people to perform in guarding their own firesides. Regular rations of subsistence will be issued to each Citizen Guard while on active duty, to be drawn monthly by the company commanders on the usual provision return. Ammunition in small quantities will be issued by the ordnance officer, on the proper requisitions. The being a member of a Citizen Guard Company will not exempt any person liable to do military duty in the militia or volunteer service, nor will exemption from duty in the regular military service by reason of age, physical disability, alienage, or other causes exempt any person from duty as a Citizen Guard. All authority heretofore granted from these headquarters to any citizen of this district to keep arms or ammunition for their own use, who is not now or does not become a member of a Citizen Guard Company by the 1st day of March next, will be revoked, and the arms taken for the use of the guards. All arms, horses, or other property captured from guerrillas or other lawbreakers by the Citizen Guards will be reported to district headquarters, and an order will be made giving the company making the capture the right to use the property until it is required by the Government. Great care must be observed in the organization of the Citizen Guard companies and the selection of the officers, else they may become, in the hands of bad men, engines of oppression and a terror rather than a blessing to the people. Persons guilty of any irregularities will be severely punished. While it may be necessary in some cases to subsist on the country, it should not be done without providing compensation to the parties from whom it has been taken.

By order of Brig. Gen. E. B. Brown:

W. D. Hubbard,
First Lieutenant and Acting Assistant Adjutant-General.

[Official Records of the Union and Confederate Armies, Series I, Vol. XLVIII, Part I, p. 622.]

The General Orders, No. 7, from headquarters Department of the Missouri, cited in the order quoted above, reads as follows:

General Orders, No. 7. } Headquarters Department of the Missouri, *St. Louis, Mo., January 8, 1865.*

It being the intention of the general commanding to employ every means in his power for the purpose of ridding the department of bushwhackers, guerrilla bands, and rebel emissaries, and of restoring and maintaining law and order, he deems it proper to make known, in orders, to the citizens of Missouri, their duty in the premises, and the requirements that will be exacted from them.

The experience of the past three years has clearly demonstrated the fact that the bushwhackers and guerrilla bands operating in this State congregate, dwell, and obtain their support in disloyal counties and neighborhoods, where they are encouraged and protected, and the efforts of the military forces to hunt them down are often rendered unsuccessful by reason of the deceptive and noncommittal course of the resident disloyal citizens.

The general commanding desires all such citizens to distinctly understand that he

intends, to the extent of his ability and power, to hold them to a strict accountability for their every act of direct or indirect hostility to the Government, or that tends in any manner to aid these outlaws.

Henceforth, in order to merit and receive its aid and protection, citizens must, by their actions, show to the Government that they not only have no sympathy whatever with bushwhackers and guerrilla bands, but that they are most earnestly opposed to them, and they must, at the same time, give these outlaws to know that they can not dwell in their midst and roam over entire counties, and abide in their neighborhood unmolested and not reported.

Hereafter it will be required of citizens, in all cases, to report the passing by, the congregating or camping, near or upon them, the feeding, whether through fear or force, or otherwise, of bushwhackers, guerrillas, and any other knowledge they may have relative to the whereabouts, doings, etc., of these outlaws. This report must be promptly made to the nearest military authorities.

All citizens failing to report as above required will have their property seized and themselves and families sent beyond the limits of this department; and those who are found to have given direct and voluntary aid to bushwhackers and guerrillas or rebels, will be arrested and banished, or tried by military courts for violation of the laws of war.

Any person making any agreement with bushwhackers and guerrillas, or pretended rebel bands, for his own personal security or that of his family or property, and who does not immediately report to the Federal authorities the fact of such agreement, showing that it was made through force, need not expect any mercy at the hands of the Government.

The disloyal residents of each county will be held to a strict accountability for any injury inflicted upon loyal people thereof by bushwhackers and rebel marauders.

It is time that people who have been allowed to live peaceably, enjoy protection, and grow rich under our Government, while they have given aid and comfort to the enemy, either directly or indirectly, or by a noncommittal course of conduct, should be made to show their hands, and once for all to place themselves either in earnest, practical support of the Government or with its avowed enemies, so that we can deal with them understandingly.

From this time henceforth district and subdistrict commanders and provost-marshals will report to these headquarters the names of all individuals and families who are found to be guilty of aiding the rebellion, or of aiding or encouraging bushwhackers and partisan marauders, by such acts of commission or omission as herein mentioned, in order that immediate action may be taken in their cases.

Those citizens who consider themselves so bound to their guerrilla and rebel friends that they can not comply with the requirements of this order, and who therefore prefer to join their friends within the rebel lines, will, upon application in writing to these headquarters for that purpose, be given permission to pass beyond our lines, with the privilege of taking with them sufficient of their personal property, such as clothing, etc., to render them comfortable.

The military forces throughout the department are commanded to respect the civil law, and, when necessary, to aid its officers, to refrain from all unauthorized depredations, especially to commit no act through personal enmity, and to protect, aid, and encourage all those who, by their acts, uniformly show an honest and earnest desire to support the Government in putting down the rebellion and ridding the country of bushwhackers and guerrilla bands.

By command of Major-General Dodge:

J. W. Barnes,
Assistant Adjutant-General.

It will be observed that the Citizen Guard companies authorized by the order first quoted were not, according to the terms of the order, to be considered a regular military force, entitled to pay or other remuneration for their services; that each man was to be furnished with rations while on active duty; that membership of the companies did not exempt from duty in the militia or volunteer service, and that such disabilities as usually exempt from military duty did not exempt from duty in the Citizen Guards.

The status of these local troops is obvious. They were simply citizens, organized for their own protection, to serve without pay. They were not of the organized militia of the State, and they were not in the military service of the United States.

No record has been found of the service, if any, rendered by these companies, but it is shown that thirty companies had an organized existence. Of these, however, the organization of but twenty-one companies was confirmed in orders from district headquarters as provided in the case of "approved" companies. The company organizations not so confirmed will be indicated in the schedule accompanying this paper.

ORGANIZATIONS UNDER GENERAL ORDERS, NO. 176, DEPARTMENT OF THE MISSOURI, 1864.

Upon the invasion of the State of Missouri in September, 1864, by the Confederate forces under Major-General Price, Major-General Rosecrans, commanding the Department of the Missouri, issued an address to "Missourians," in which he invited citizens not in the Enrolled Militia to join the militia organizations called out in their localities, or report to the nearest United States commander for such duty as they could perform during the continuance of the "raid." This address was published in general orders, dated September 26, 1864, of which the following is an extract:

GENERAL ORDERS, No. 176. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, Mo., September 26, 1864.*

MISSOURIANS: I. After two years of barbarous and harassing war, in which every citizen directly or indirectly suffered loss of property, and many of life, you are now invaded by Price and the recreant Missourians, who, in defiance of professed principles, have been the chief cause of your sufferings and loss. They bring with them men from other States to plunder, murder, and destroy you for adhering to the Government of your interests and your choice. Prepare for them the reception they deserve. Make this raid fatal to the enemy and you will insure peace. Let them succeed and you will almost ruin your State.

II. They boast of secret conspirators among you, who are ready to join them in ruining you. Let no Missourian be found base enough to do it. Let every citizen who has spirit and manhood to defend his own home offer his services. Citizens not in the Enrolled Militia or organized under General Orders, No. 107, can join the militia organizations called out in their localities, or report to the nearest United States volunteer or militia commander for such duty as they can perform during the continuance of the raid. I look for a hearty response from all men who are true to their State and Nation. Bring arms if you have any, horses if you can ride, and fight as scouts. Let every arm be nerved, every brain active.

* * * * * * *

By command of Major-General Rosecrans:

J. F. BENNETT, *Assistant Adjutant-General.*

On the same date, September 26, 1864, General Rosecrans issued another order, in which he directed a partial suspension of business in the city of St. Louis to facilitate the work of organization for local defense. Following is a copy of the order:

GENERAL ORDERS, No. 178. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, Mo., September 26, 1864.*

On the recommendation of his honor the mayor, and many leading business men of the city, all public business will be suspended after 12 m. to-morrow to enable us to complete our organizations for local defense, and so permit an active force to pursue the enemy.

Such business as is necessary to supply the daily wants of the people—public administration, banking and printing offices, manufactories which can not be stopped without great damage—are exempt from the operations of this order.

Exempts from the military service capable of defending their homes are requested to organize under direction of his honor the mayor, who will be provided with experienced officers to assist him in the organization.

Whatever is done should be done immediately, and with united energies. The organization should be completed in forty-eight hours, when business will be resumed. Loyal exempts, let us hear from you.

By command of Major-General Rosecrans:

J. F. BENNETT, *Assistant Adjutant-General.*

On the following day General Rosecrans announced Col. B. Gratz Brown as a volunteer aide-de-camp on his staff, for temporary duty, and charged him with the organization of the "Militia Exempts." (Official Records of the Union and Confederate Armies, Series I, Vol. XLI, Part III, p. 406.)

On the 29th of September the organization for local defense in the city of St. Louis had so far progressed as to justify the general resumption of business, and an order announcing that fact was accordingly issued from department headquarters. In the same order Col. B. Gratz Brown was assigned to the command of the Militia Exempts, "organized for special duty in the city of St. Louis." The order reads as follows:

GENERAL ORDERS, } HEADQUARTERS DEPARTMENT OF THE MISSOURI,
No. 183. } *St. Louis, Mo., September 29, 1864.*

I. The organization of the citizens of St. Louis has so far progressed that business may be resumed to-morrow morning; but all business houses will close at 3 o'clock p. m., daily, until further orders, to give opportunity for drill.

II. Col. B. Gratz Brown, volunteer aide-de-camp, is hereby assigned to the immediate command of the Militia Exempts, organized for special duty in the city of St. Louis.

By command of Major-General Rosecrans:

J. F. BENNETT,
Assistant Adjutant-General.

On October 9, 1864, General Rosecrans issued his General Orders, No. 192, in which he announced that all citizen organizations for local defense would be legalized both for State and United States service by being denominated "Provisional Enrolled Militia," and that to legalize the issue of arms and supplies to the organizations of Militia Exempts they also would be considered as having been formed under the order (General Orders, No. 107, of June 28, 1864) which provided for the organization of companies of Provisional Enrolled Militia.[a] Following is an extract of General Orders, No 192:

GENERAL ORDERS, } HEADQUARTERS DEPARTMENT OF THE MISSOURI,
No. 192. } *St. Louis, Mo., October 9, 1864.*

I. General Orders, No. 107, current series, from these headquarters, having been promulgated to provide for local defense against bands of bushwhackers and other disturbers of the public peace, and for the maintenance of law and order more effectually than could be done by calling out the Enrolled Militia, as well as to engage all good citizens in the work, it is therefore ordered that all citizen organizations for local defense in this State conform to the provisions of that order.

II. These organizations will be legalized both for State and United States service by being denominated "Provisional Enrolled Militia," and the company and regimental rolls will state in the heading the object of the organization.

* * * * * * *

VI. When these organizations are thus formed, and the rolls approved by the general commanding, the companies will be accepted, and their officers commissioned as "Provisional Enrolled Militia," for the special purpose of local defense and the preservation of law and order.

VII. Except in cases of extreme public danger, no organization thus called out will be ordered to go beyond the limits of its own county, nor will it be permitted

[a] General Orders, No. 107, is quoted in full under the head of Provisional Enrolled

to go into neighboring counties, unless to pursue or meet marauders or other public enemies, or to arrest fugitive criminals from its own county.

VIII. To legalize the issue of arms, clothing, camp and garrison equipage, etc., to the organization of "Exempts," formed during the recent raid, they may be considered as having been formed under General Orders, No. 107, and their rolls will be entered at the State headquarters, where they will be placed on the records of such organizations.

By order of Major-General Rosecrans:

FRANK ENO, *Assistant Adjutant-General.*

Five regiments, two battalions, and several unattached companies of Militia Exempts were speedily formed in the city of St. Louis and vicinity, embracing a force of more than 5,000 men. Concerning this force Colonel Brown reported, October 10, 1864:

HEADQUARTERS CITY GUARD,
St. Louis, October 10, 1864.

Major-General ROSECRANS,
Commanding Department of the Missouri.

GENERAL: Having volunteered my services to aid in perfecting the defense of the city of St. Louis against a threatened attack from the hostile force now in the State, I proceeded, in pursuance of General Orders, No. 179, from department headquarters, to organize into companies and regiments such of the citizens not included in any other military organization as desired to take up arms and hold themselves in readiness for duty. The result I have now the honor to report to you in the shape of five regiments, two battalions, and several unattached companies, embracing a force of more than 5,000 well-armed men, most of whom are familiar with drill, and many of whom have served out the period of their enlistments in the volunteer regiments recently mustered out. In regard to one of the battalions that formed at Carondelet it is proper to state that when reported for muster it consisted of from 300 to 400 men, but owing to some misunderstanding on the part of those enlisted the organization has not yet been completed. Subjoined will be found the oath which was administered to these troops by Major Ledergerber, assigned to these headquarters as mustering officer, and also a roster of the command and map of the city showing company locations. Authority has been given to form several companies of Exempts in the county of St. Louis, but as they furnish their own arms and equipments it has not been deemed necessary to include them in this enumeration. It was the intention to have organized also a battalion of colored troops, but so far only two companies have been reported, one of which, of eighty-seven men, is armed and mustered. Brief as this report is, I can not conclude it without returning thanks to his honor, Mayor Thomas, for a zealous, untiring cooperation in consummating this organization, and also to the staff officers assigned to duty here, who have been constant in their labor and attention.

Having performed the duty assigned me, and finding the emergency in which these troops were liable to be called out gone by, and the tax upon my time greater than is consistent with the proper discharge of other official labors, I ask to be relieved from command. The regiments are all provided with experienced officers of their own selection, and any continuance of the organization that may be deemed necessary to insure future safety to our city can be trusted to them with confidence.

Respectfully, your obedient servant,

B. GRATZ BROWN,
Volunteer Aide-de-Camp, Commanding City Guard.

[Official Records of the Union and Confederate Armies, Series I, Vol. XLI, Part III, p. 752.]

The oath administered to these troops, as shown by the copy furnished by Colonel Brown, was as follows:

I do solemnly swear that I will bear true allegiance to the United States of America, and that I will serve them honestly and faithfully for the defense of the city of St. Louis against all their enemies or opposers whatsoever, whether they be armed rebels attacking the city or secret or open enemies attempting to menace the loyal authorities of the city under any pretense whatsoever; and that I will observe and obey the orders of the President of the United States and the mayor of the city of St. Louis, and the orders of the officers appointed over me by the commanding general of the Department of the Missouri, according to the rules and articles for the government of the United States.

[Ibid., p. 753.]

No record has been found that any other organizations of Militia Exempts than those reported by Colonel Brown were formed. The designations of the regiments and battalions are given in an accompanying schedule, the unattached companies being mentioned therein as the Third Battalion (unorganized), following the classification given in the original list of organizations.

It will be seen that the "Militia Exempts" were organized for the defense of the city of St. Louis, and that to legalize the issue of arms and the necessary supplies they were to be regarded as having been formed under General Orders, No. 107, headquarters Department of the Missouri, of June 28, 1864. That order provided for the formation of companies of "Provisional Enrolled Militia," to be paid by the State when actually on duty, with the approval of the governor. But it was only to legalize the issue of arms and supplies that the Militia Exempts were classified as militia of the State, and this classification did not carry with it any promise of pay for any service that might have been rendered by them. It does not appear, however, that they were "actually on duty" or that they were paid by the State or the United States. They were simply citizen guards, organized to meet a possible emergency that did not arise. They were not in the military service of the State or of the United States.

The records of the War Department afford very little information relative to the formation of other local defense organizations under the provisions of General Orders, No. 176. It is, however, shown by the records (6732, V. S., 1872) that three companies were formed in Johnson County, in the District of Central Missouri, commanded by Capts. Emory S. Foster, William Fisher, and George S. Grover, respectively, and that the former was assigned to the command of all of the companies of Citizen Guards in Johnson County, with the nominal rank of major. The order of assignment is as follows:

SPECIAL ORDERS, No. 209.

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Jefferson City, Mo., September 30, 1864.

* * * * * * *

2. Emory S. Foster, of Warrensburg, is hereby assigned the command of all companies of Citizen Guards in Johnson County, Mo., with the nominal rank of major, and will be obeyed and respected accordingly.

By order of Brigadier-General Brown:

J. H. STEGER,
Assistant Adjutant-General.

[Book No. 553, Department of the Missouri, p. 158.]

No record of the personnel of Fisher's or Grover's company has been found, nor has any definite record been found of the service, if any, rendered by any one of these companies. The following correspondence on the general subject of the service of Citizen Guard organizations at Warrensburg, Johnson County, has, however, been discovered.

From William Fisher, captain, Home Guards:

KNOBNOSTER, *September 27, 1864.*

Brigadier-General BROWN, *Sedalia:*

Will you arm our company; if so, when? We are ready to assist you all we can. Answer quick.

[Book No. 546, Department of the Missouri, p. 125.]

From Brig. Gen. E. B. Brown:

SEDALIA, *September 27, 1864.*

WILLIAM FISHER, *Knobnoster:*

All the Enrolled Missouri Militia in Johnson County will be called into active service immediately. Can not arm citizen organizations until the Enrolled Missouri Militia are armed.

[Ibid., p. 126.]

From J. H. Steger, assistant adjutant-general:

SEDALIA, *September 29, 1864.*

Maj. E. S. FOSTER, *Warrensburg:*

Have ordered all troops from Warrensburg. Call out the Citizen Guards and militia to defend the place.

[Ibid., p. 133.]

From Brig. Gen. E. B. Brown:

TIPTON, *September 29, 1864.*

E. S. FOSTER, *Warrensburg:*

I have ordered Captain Case to send you fifty stand of arms that are at Sedalia by passenger train to-night. I did not receive the provision returns.

[Ibid., p. 134.]

From George S. Grover:

WARRENSBURG, *September 29, 1864.*

General BROWN, *Sedalia:*

As far as I can ascertain, none of the men are on the rolls of Foster's, and my company belongs to the Enrolled Missouri Militia. At any rate, a great many are still applying to get arms who are exempt from the militia, so that the companies will doubtless be larger than reported by the time rations arrive. Alter remarks on rolls from order 176 to order 107—this with Foster's knowledge and consent. Will send requisition for your approval in the morning.

[Ibid., p. 135.]

From Brig. Gen. E. B. Brown:

WARRENSBURG, *September 29, 1864.*

EMORY S. FOSTER, *Warrensburg:*

All the militia that can be brought into service will be, at once. I have ordered Captain Box back to Warrensburg with one company. You should have the citizens make defenses in the town.

[Ibid., p. 138.]

From Brig. Gen. E. B. Brown:

JEFFERSON CITY, *October 1, 1864.*

Maj. E. S. FOSTER, *Warrensburg:*

The enemy are reported moving toward this place; measures are taken to give them a fight. I think they will be broken up before they get west of Sedalia. Collect every armed man in the county and be prepared to harass them. Don't let the enemy get the arms or horses of the Citizen Guards. If the enemy move west you know how important it is that I should have information of their movements. Chester will report to you.

[Ibid., p. 142.]

From J. H. Steger, assistant adjutant-general:

JEFFERSON CITY, *October 1, 1864.*

Maj. E. S. FOSTER, *Warrensburg:*

Mount your command, but take an accurate account of horses taken in order that citizens may be secured from loss.

[Ibid., p. 146.]

From E. S. Foster:

WARRENSBURG, *October 1, 1864.*

General E. B. BROWN:

I must have rations or I can not stay here. The returns were sent to Capt. B. H. Wilson.

[Ibid., p. 146.]

From E. S. Foster:

WARRENSBURG, *October 1, 1864.*

Brig. Gen. E. B. BROWN:

Give me authority to mount my men and I will be able to be useful. I will keep a correct account of all the horses I get and who from. I can start 200 men. I got 60 more guns here yesterday, making in all 120. Can you send me more soon; anyhow three or four thousand rounds of ammunition, caliber .58? I will forward requisition. Send commissaries. I am well fortified against infantry.

[Ibid., p. 146.]

From Brig. Gen. E. B. Brown:

JEFFERSON CITY, *October 4, 1864.*

Maj. E. S. FOSTER, *Warrensburg:*

Subsistence and arms loaded and will leave this morning. All quiet, as far as I can get information.

[Ibid., p. 153.]

From E. S. Foster, captain, commanding:

WARRENSBURG, *October 5, 1864.*

General E. B. BROWN:

I shall make every man leave this county who will not enroll in some organization for defense. If you have fatigue duty to do I can send them under guard to you.

[Ibid., p. 156.]

None of the companies mentioned above was recognized or paid by the State of Missouri as militia of the State, nor was any one of them recognized or paid by the General Government as an organization in the military service of the United States.

Besides the Johnson County companies, it appears that one company of Citizen Guards was organized at Jefferson City, Cole County, Mo., on or about September 21, 1863, under the command of Capt. P. T. Miller, which should probably be classed among organizations formed under the provisions of General Orders, No. 176, though its enrollment preceded by a few days the date of that order. No record has been found that it rendered any service. It was not recognized or paid by the State as a militia organization, nor was it recognized or paid by the General Government as an organization in the military service of the United States.

There was also a company of Citizen Guards under the command of Capt. William Beatty, organized in Carroll County, which, although paid by the State of Missouri as a company of Provisional Enrolled Militia, has attached to its pay roll as authority for its organization a copy of General Orders, No. 176.

It is possible that other companies of Citizen Guards were formed under the provisions of General Orders, No. 176, of 1864, from headquarters Department of the Missouri, and possibly some of them besides Beatty's company were recognized as companies of Provisional Enrolled Militia, under the provisions of General Orders, No. 192, quoted above, but those already mentioned are all of which a record has been found showing their organization under General Orders, No. 176.

It will appear from the foregoing that of the five companies (besides the Militia Exempts) known to have been organized under the provisions of General Orders, No. 176, one was recognized and paid as a State militia organization in active service, while the other four companies were not recognized or paid, either by the State or the United States. Of the service of these four companies no definite record has been found, and even the names of the members of two of them (those of Captains Fisher and Grover) are unknown to the War Department. If any

service was rendered by any one of the four companies, it was evidently of short duration and strictly for "local defense"—such service as was frequently rendered in the State of Missouri during the civil war without promise or expectation of pay.

It is to be remarked of the Citizen Guards in general that they made no reports or returns to the War Department, and that it is quite possible that many organizations were formed of which no record has been discovered. In this chapter, under the head of Citizen Guards, such information has been given as the records afford relative to the organizations known to have been in existence.

MISSISSIPPI MARINE BRIGADE.

The Mississippi Marine Brigade, consisting of one regiment of infantry, two squadrons of cavalry, and one battery of light artillery, was organized at St. Louis, Mo., by authority of the War Department, as a special corps, for service on the Mississippi River. It was created largely by transfers from other organizations and received few, if any, recruits from the State of Missouri. It was not a Missouri organization and is mentioned here only because, evidently through a misconception of its status, a majority of its members were credited to that State.

MARINE CORPS.

Among the many peculiar and illegal organizations formed by Major-General Frémont, or by his authority, during his administration of the affairs of the Western Department, was an organization designated by him as a "Marine Corps." This corps, consisting of three companies, was organized for "river transportation service," and would have no place in a history of Missouri military organizations but for the fact that an effort has been made to give the members of the corps a military status, and that, evidently through a misapprehension as to their status in the service, they were credited to the quota of the State of Missouri.

The earliest record bearing upon the organization of the "Marine Corps" is found in a letter dated August 13, 1861, to "Capt." Thomas Maxwell, of which the following is a copy:

ST. LOUIS, *August 13, 1861.*

Capt. THOMAS MAXWELL.

SIR: You are hereby authorized to recruit a Marine Corps to serve during the war, to consist of 1 captain, 2 pilots—first and second; 4 engineers—first, second, third, and fourth; 2 mates—first and second; 1 clerk, 1 steward, 30 sailors, 8 firemen, 1 watchman, 1 cook and mate, 1 cabin boy.

When you shall have completed the organization of said corps, you will apply to these headquarters, where the necessary order will be issued.

J. C. FRÉMONT,
Major-General, Commanding.

[Letters Sent, Western Department, Vol. 15, p. 205.]

Under the authority thus conferred upon Captain Maxwell the first company of the Marine Corps was promptly organized, all of its members being reported as having been "enrolled" August 14, 1861, one day after the authority for the organization was given.

In a letter dated August 19, 1861, General Frémont directed that the necessary orders be issued to have the "officers and seamen sworn in for the war," and that a steam transport be turned over to Captain Maxwell. Following is a copy of the letter embodying these instructions:

AUGUST 19, 1861.

Capt. J. C. KELTON, U. S. A.,
Assistant Adjutant-General:

Captain Kelton will issue the requisite order to have Captain Maxwell's company of officers and seamen sworn in for the war, and a steam transport turned over to Captain Maxwell to-day.

J. C. FRÉMONT, *Major-General, Commanding.*

[Ibid., p. 282.]

On the same date a letter was addressed by direction of General Frémont to the mustering officer at the St. Louis Arsenal repeating the

order that "Captain Maxwell's company of seamen" be "sworn in." This letter is as follows:

HEADQUARTERS WESTERN DEPARTMENT,
St. Louis, Mo., August 19, 1861.

Capt. A. TRACY,
Mustering Officer, St. Louis Arsenal, Mo.

SIR: The general directs that Captain Maxwell's company of seamen be sworn in for the war.

Very respectfully, your obedient servant,

J. C. KELTON, *Assistant Adjutant-General.*

[8451, V. S., 1883.]

Pursuant to the foregoing instructions Captain Tracy, Tenth Infantry, a United States mustering officer, on August 20, 1861, mustered in (i. e., "accepted into the service of the United States") Captain Maxwell's company as the "First Company in the First Marine Corps (—— Brigade) of Missouri Volunteers," to serve for the term of three years. This muster in, it may be remarked, was made on the printed form commonly used in the muster of volunteers into the United States service.

Under date of August 28, 1861, General Frémont authorized "Capt." James Abrams to organize a "Marine Corps" (Letters Sent, Western Department, Vol. 15, p. 231), and it is recorded that on the 10th of the same month he authorized "John Young" to raise such a corps (Ibid., p. 464), but the terms of the last-mentioned authority have not been found of record. The authority granted Captain Abrams was in precisely the same terms as those quoted above in the letter to Capt. Thomas Maxwell.

On September 12, 1861, "Capt." John Reily was authorized to raise a company, with the same organization as that given above, except that Captain Reily was authorized to add to the organization "one carpenter," and in the letter of authority the organization was designated a "Marine Corps for River Transportation Service."

No record has been found that an organization was completed under the authority given to John Young, but Abrams's and Reily's companies were recruited, and were mustered into the United States service for the term of "the war," under special instructions from Major-General Frémont.

Upon the assignment of Major-General Halleck to the command of the newly organized Department of the Missouri, he was instructed by Major-General McClellan, commanding the Army, to "examine into the legality of the organization of the troops serving in the Department," and when he found any illegal, unusual, or improper organizations, to give the officers and men an opportunity to enter the legal military establishment (Official Records of the Union and Confederate Armies, Series I, Vol. III, p. 568), and in General Orders, No. 25, dated December 14, 1861, General Halleck directed, among other things, that the members of certain irregular organizations be paid to cover past services actually rendered.

But General Halleck evidently did not regard the "Marine Corps" as entitled to pay or other consideration as a military organization in the service of the United States; for, in a letter addressed by him to Major-General McClellan, under date of December 19, 1861, he said:

> I am discharging most of the steamers formerly in the Government employment and mustering out of service what is called the "Marine Corps," which are nothing more than hired men on these boats. This will be a great saving of expense.
>
> [1291, Missouri Department, 1861.]

This remark of General Halleck was evidently based, in part at least, upon a report made the day previous by Capt. P. T. Turnley, assistant quartermaster, relative to Captain Reily's company of the "Marine Corps." Following is a copy of that report:

DECEMBER 18, 1861.

In September last this crew and two others were sworn into service for and during the war, unless sooner discharged, by order of General Frémont. General Frémont also ordered all officers and employees on steam transports to be sworn in in like manner, and all teamsters on land. This mode was commenced, but failed to such an extent as to be abandoned. Orders were given a month ago to discharge all such employees and to pay them off. I have been doing this as fast as they come into port. This boat and crew arrived yesterday. I ordered the captain to make up his service roll and bring it to my office, for the discharge and payment of all the officers and crew. I have not yet got the roll, but am expecting it hourly. Captain Reily should not inform the men otherwise than that they are all entirely discharged from their service under their contract.

P. T. TURNLEY, *Assistant Quartermaster.*

[Miscellaneous Papers, Marine Corps.]

Under date of January 9, 1862, Captain Turnley addressed a letter to department headquarters, in which he said:

I mustered and paid off to December 31, 1861, and on that day discharged from further service the three companies of steamboat crews, called, respectively, First, Second, and Third Marine Corps of Missouri Volunteers. * * * I learn the captain of one or more design not to acknowledge their discharge, but to come forward monthly for payment.

Please publish an order discharging them.

[T 12, Missouri, 1862.]

Thereupon an order was issued by General Halleck, as follows:

SPECIAL ORDERS, No. 29.

HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, January 10, 1862.*

* * * * * * *

4. The three Marine Corps under command of Maxwell, Abrams, and Reily having been mustered out and paid to December 31 by Captain Turnley, quartermaster, United States Army, are discharged the service of the United States on and after that date.

By order of Major-General Halleck:

J. C. KELTON, *Assistant Adjutant-General.*

It has always been held by the War Department, since the attention of the Department was called to the military status of the "Marine Corps," that its muster into service was not a lawful muster into the military service of the United States, such an organization being unknown to the military establishment and not authorized by law. The members of this force were not officers or enlisted men in the United States military service, for which reason, evidently, they were paid by the Quartermaster's Department and not from the appropriations for the pay of the Army. They are regarded by the War Department as having been civilian employees in the Quartermaster's Department and not as having formed a part of the military establishment of the United States. (R. & P., 587877.)

As shown above, the "Marine Corps" numbered three companies.

IRREGULAR ORGANIZATIONS AND APPOINTMENTS UNDER MAJOR-GENERAL FRÉMONT.

On the 25th of July, 1861, Maj. Gen. John C. Frémont assumed command of the Western Department and immediately proceeded to the organization of a military force, consisting largely of Missouri volunteers and men brought from other States and organized as Missouri regiments. This force assumed the proportions of an army corps, the officers of which, including those of a large staff, were appointed by General Frémont himself, without authority of law and without the sanction of his official superiors.

Among the corps thus organized by General Frémont's authority were some not authorized by law, several of them being unknown to the military service of the United States, others were accepted with an unlawful limitation as to the locality of their service, and among the officers appointed by General Frémont were many not only not authorized by law but bearing titles unknown to the nomenclature of the United States Army.

As a preliminary to further remarks it is proper to state that the acts of Congress approved July 22 and 25, 1861, under which volunteers were received into the service of the United States, authorized their acceptance only as "cavalry, infantry, or artillery," and that the former act contained the following proviso:

> The governors of the States furnishing volunteers under this act shall commission the field, staff, and company officers requisite for the said volunteers; but, in cases where the State authorities refuse or omit to furnish volunteers at the call or on the proclamation of the President, and volunteers from such States offer their services under such call or proclamation, the President shall have power to accept such services, and to commission the proper field, staff, and company officers.
> [12 Stat. L., p. 269.]

On August 9, 1861, General Frémont addressed to Hon. Montgomery Blair a letter of which the following is a copy:

HEADQUARTERS WESTERN DEPARTMENT,
St. Louis, August 9, 1861.

Hon. MONTGOMERY BLAIR, *Washington.*

MY DEAR MR. BLAIR: The greater part of the old troops, especially the foreign element, is going out of service. The new levies are literally the rawest ever got together. They are reported by the officers to be entirely unacquainted with the rudiments of military exercise. To bring them before the enemy in their present condition would be to have only an unmanageable mob. I can remedy this if I can be authorized by the President and Secretary of War to collect throughout the States instructed men who have seen service. With them I could make a skeleton—meager enough, but still a framework—on which to form the army. This authority ought to be allowed, and the cost of transportation. Don't lose time, but get it quick. I assure you it will require all we can do, and to do it in the best manner, to meet the enemy.

I ought to be supplied here with four or five millions of dollars, and the disbursing officers allowed to sell them at the ruling discount. All such equipments as I can procure abroad in much less time than I could get them here I ought to be allowed to send for.

These are my suggestions. They are valuable. Pray act upon them; and what you do, do quick. * * * Show this to the President.

The contest in the Mississippi Valley will be a severe one. We had best meet it in the face at once, and by so doing we can rout them. Who now serves the country quickly, serves her twice.

Yours, truly,

J. C. Frémont.

[Official Records of the Union and Confederate Armies, Series I, Vol. III, p. 431.]

In reply the Secretary of War addressed a letter to General Frémont as follows:

War Department, *Washington, August 14, 1861.*

Maj. Gen. John C. Frémont,
Commanding Department of the West, St. Louis, Mo.

Sir: Your letter of the 9th instant to the Hon. Montgomery Blair has been submitted to me by him. With a view to place the new troops under your command in a state of efficiency for active service in the shortest possible time, you are authorized to carry into effect your suggestion of accepting the services of instructed officers and men who have seen service to form the skeleton or framework for the organization of your forces. Let the captains of companies thus begun procure transportation from the railroad companies, and give their receipts to the roads as vouchers.

Very respectfully, your obedient servant,

Simon Cameron, *Secretary of War.*

[Ibid., p. 441.]

It is to be observed that in this correspondence General Frémont neither asked for nor received authority to commission officers, and there is evidence that the President reserved this authority to himself. Among the documents submitted by General Frémont to the Joint Committee on the Conduct of the War, after he had been relieved from the command of the Western Department, were papers which are reproduced below. No record of these papers has been found in the War Department, but they are printed in full in the report of the committee (Part III, pp. 114, 115), which also states that the documents submitted to the committee by General Frémont in his own behalf were properly verified.

St. Louis, *August 19, 1861.*

Hon. Montgomery Blair, *Washington, D. C.:*

It is necessary, in order to facilitate the organization here, that Major-General Frémont have power to commission officers, as Governor Gamble has neglected to accede to a request to do it, much to the detriment of the public service.

If the President telegraphs that he will appoint the officers General Frémont commissions, it will remove a great stumbling block from our path.

Frank P. Blair, Jr.

In answer to this, Mr. Montgomery Blair telegraphed that if Governor Gamble would not commission officers, the President would; but some mistake rendering the dispatch incomprehensible, the President repeated it himself, as follows:

[By telegraph from Washington, 21st, 1861.]

Colonel Blair:

I repeat, I will commission the officers of Missouri volunteers.

A. Lincoln.

[R. & P., 456829.]

Notwithstanding the fact that the President had thus reserved to himself the authority to appoint officers of the Missouri volunteers, if the governor of the State would not appoint them, General Frémont continued to make the appointments, some of them to offices that had a legal existence, and might have been filled by the governor of the State or by the President, but many other appointments were made to offices that had no legal existence.

Among the irregular and unlawful organizations shown by the records to have been authorized by General Frémont may be mentioned: Engineers, pioneers, sappers and miners, pontoniers, telegraph operators and guards, a company of signal men, and a "Marine Corps," organized for river service.

Some of the appointments of officers, besides those of irregular commands, and of general and staff officers of recognized grades, were the following:

1. A "brigade inspector, with the rank, pay, and emoluments of colonel."
2. A "surgeon in this city, with the rank of captain."
3. A "second lieutenant of infantry," with a view to his transfer to the Medical Department.
4. A "major of infantry," for staff duty at department headquarters.
5. A "captain of cavalry," to be employed in the land transportation department.
6. An "instructor of cavalry," with the rank and pay of major.
7. A "captain of artillery," for duty on the staff.
8. A "drill-master," with the rank of lieutenant.
9. A "wagon-master" at the headquarters of the department, with the pay and allowances of a second lieutenant.
10. A "captain of cavalry," to serve at department headquarters as "commander of spies and guides."
11. A "director of music," with the rank and pay of a captain of engineers.

The irregularities in the Western Department produced such confusion that a representation concerning them was made to the President, by an authorized agent of General Frémont, in a letter of which the following is an extract:

WASHINGTON, *October 1, 1861.*

PRESIDENT OF THE UNITED STATES.

SIR: I received verbal instructions from Colonel Woods, chief business manager for Maj. Gen. John C. Frémont, to proceed to Washington and ask for money and arms for the use of the Western Military Department.

* * * * * * *

A great deal of trouble and confusion is springing up in the Western Military Department from a seeming conflict of authority between General Frémont and the authorized agents of the Government, which I trust a statement of facts may help to remove. He has given commissions to colonels and other staff officers, which I find are not recognized in St. Louis or Washington. On this subject I herewith submit a statement of facts received this morning from Col. C. J. Wright, of Cincinnati. If the authority here given, and in numerous like cases, by the general be not promptly recognized by the Government, the utmost confusion will prevail among the officers and volunteers now in the service in the West. A large number of persons from Ohio have received, and others have been promised, commissions under him; but if his acts in such cases are not respected in Washington, there will be no end to vexation and trouble growing out of these transactions.

* * * * * * *

And now, Mr. President, I most respectfully submit that one of two things ought to be done immediately, viz, either General Frémont's military commissions and con-

tracts should be recognized, and his drafts for money and arms to carry on the war honored, or some person should take his place whose acts will receive full recognition by the Government.

* * * * * * *

With great respect, yours,

JOHN A. GURLEY.

[Indorsement.]

OCTOBER 4, 1861.

Respectfully submitted to the War Department.

A. LINCOLN.

[Official Records of the Union and Confederate Armies, Series I, Vol. III, pp. 511–513.]

The particular cause of this complaint of the nonrecognition of General Frémont's appointments was that the deputy paymaster-general, Col. T. P. Andrews, had declined to pay officers before they had completed the commands for which they had been designated.

The nature of the appointments made by General Frémont, as well as the condition of affairs resulting therefrom, is well illustrated in a letter addressed by Deputy Paymaster-General Andrews to the Paymaster-General, under date of October 8, 1861, in which he said:

ST. LOUIS, MO., *October 8, 1861.*

Col. B. F. LARNED,
Paymaster-General, United States Army.

SIR: I have been waiting for Major Cunningham to render his accounts to September 30 (he being relieved from all paying and other duty with the view of rendering his accounts since September 23), which have a very large number of officers' accounts in them. He was detailed, from the commencement of his service here, for the sole duty of paying officers' accounts, as being the one it was most advantageous to detail for it. He informs me they will be ready to-morrow or next day.

Among the very large number of accounts that his accounts will contain is a large proportion of officers' accounts of a peculiar or original character, to which I wish to call your especial attention. They are of officers appointed by General Frémont, without reference, as far as I am informed, to the authorities at Washington, and of all grades and corps, from a general down to a second lieutenant; of engineers, topographical engineers, ordnance, artillery, light artillery, dragoons, mounted hussars, pioneers, and a whole regiment (Bissell's) calling themselves "Engineers of the West" (not yet paid), etc. A portion of them are appointed in the form I inclose, the appointments frequently, if not generally, dated back, as in the one inclosed. Others are on a more formal commission (on parchment paper and engraved), referring to the President's after approval or sanction, but going back also for pay, etc. Many of the officers are on duty, assimilating, as they state, to that of officers of similar services in the United States Army. Brigade inspectors, teachers of tactics or "instructors" have been appointed, but I have declined, for the present, to pay them. Also one or more "directors of music" as a captain or major, who have not yet applied for payment. These appointments have become so numerous (hundreds) that I feel bound to direct your attention to the accounts when Major Cunningham's accounts reach you. Major Febiger's accounts contain a considerable additional number to those paid by Major Cunningham. Febiger is too much engaged the whole day, at this time, to render his accounts, but they also will soon go on to you. The number in Major Cunningham's accounts is sufficient, however, for your information, as to the character of the appointments.

I should have mentioned that many of the commissions were to line officers, who admitted, as I knew, they had no regiments or companies at the time of commission. We have felt impelled to pay in many cases, without any specific order to pay (well knowing that it was the intention they should be paid), under the apprehension of having difficulties and incurring the penalty of arrest and imprisonment if we refused payment.

The object of this letter is to call your especial attention to these payments, and to ask for instructions as to our continuing payments to these officers in future, or others of a similar character. They claim monthly.

Very respectfully, your obedient servant,

T. P. ANDREWS,
Deputy Paymaster-General, United States Army.

[R. & P., 456829.]

Finally the Secretary of War and the Adjutant-General of the Army proceeded to St. Louis, where, on the 14th of October, 1861, the Adjutant-General addressed General Frémont relative to the administration of affairs in his department, referring, among other things, to military appointments as follows:

ST. LOUIS, MO., *October 14, 1861.*

MAJ. GEN. JOHN C. FRÉMONT,
Commanding Department of the West, Tipton, Mo.

GENERAL: The Secretary of War directs me to communicate the following as his instructions for your government:

* * * * * * *

In this connection it is seen that a number of commissions have been given by you. No payment will be made to such officers, except to those whose appointments have been approved by the President. This, of course, does not apply to the officers with volunteer commissions. Colonel Andrews has been verbally so instructed by the Secretary.

* * * * * * *

I have the honor to be, etc.,

L. THOMAS, *Adjutant-General.*

[Official Records of the Union and Confederate Armies, Series I, Vol. III, p. 532.]

While the Secretary of War and the Adjutant-General of the Army were still on their tour of inspection, Gustave Koerner, an aide-de-camp on General Frémont's staff, telegraphed the President as follows:

ST. LOUIS, *October 16, 1861.*

His Excellency the PRESIDENT:

Deputy Paymaster-General Lieutenant-Colonel Andrews refuses to honor General Frémont's commissions, which have heretofore invariably been accepted by him. Officers of the Army who have sacrificed their all to take up arms for their country are thus left destitute, and their families in want of the most urgent necessities of life. Very many of these officers are now in the field and in face of the enemy. Their efficiency and the spirits of many of the troops serving under them will be most seriously affected by this course. Unless you will provide a remedy to insure these men in their well-deserved remuneration a portion of the Army will necessarily disband, as no officers will or can serve without a valid commission.

GUSTAVE KOERNER, *Aide-de-Camp.*

[Ibid., p. 538.]

To this telegram the Acting Secretary of War replied:

UNITED STATES MILITARY TELEGRAPH,
War Department, October 16, 1861.

GUSTAVE KOERNER,
Aide-de-Camp, St. Louis, Mo.:

Your message to the President has been sent to this Department for attention. Arrangements will be made to examine and duly commission such officers as the service requires.

We shall endeavor to do full justice to all faithful and competent men in the service. Until officers are properly commissioned paymasters have no authority to pay them.

These irregularities will be corrected at the earliest date possible.

THOMAS A. SCOTT,
Acting Secretary of War.

[R. & P., 456829.]

Further action was taken upon the message of Mr. Koerner by referring it to the Adjutant-General of the Army, with instructions to submit some plan that would do justice to the men who were then

serving as faithful and competent officers. These instructions were given in a letter of which the following is a copy:

WASHINGTON, *October 18, 1861.*

General LORENZO THOMAS,
Adjutant-General United States Army.

DEAR SIR: The inclosed message from Gustave Koerner, aide-de-camp to General Frémont, was read in Cabinet meeting to-day by the President. It was determined to refer all irregular appointments in the Department of the West to you for examination, with instructions to submit some plan that will do justice to those men now serving who are faithful and competent officers, and provide a remedy for the evils now existing.

Very respectfully,

THOMAS A. SCOTT,
Assistant Secretary of War.

[Official Records of the Union and Confederate Armies, Series I, Vol. III, p. 538.]

On October 19, 1861, General Frémont sent to the President a partial list of his appointments, requesting their confirmation, but it does not appear that any action was taken upon his request.

The Secretary of War reached Washington October 21, 1861, on his return from the West, and on the same date the Adjutant-General, who had previously been instructed to "take full notes upon all points connected with the object" of the visit (Official Records of the Union and Confederate Armies, Series I, Vol. III, p. 538), submitted his report, of which the following is an extract:

WASHINGTON, D. C., *October 21, 1861.*

Hon. SIMON CAMERON, *Secretary of War.*

SIR: I have the honor to submit the report requested in your letter of the 19th instant.

We arrived at St. Louis, as you are aware, at 2.30 a. m. October 11.

* * * * * * *

Colonel Andrews, chief paymaster, called and represented irregularities in the pay department, and desired instructions from the Secretary for his government, stating that he was required to make payments and transfers of money contrary to law and regulations. Once, upon objecting to what he conceived an improper payment, he was threatened with confinement by a file of soldiers. * * * Exhibited abstract of payment by one paymaster (Major Febiger) to 42 persons appointed by General Frémont, viz, 1 colonel, 3 majors, 8 captains, 15 first lieutenants, 11 second lieutenants, 1 surgeon, 3 assistant surgeons; total, 42. Nineteen of these have appointments as engineers and entitled to cavalry pay.

A second abstract of payment was furnished, but not vouched for as reliable, as the paymaster was sick, and is only given to show the excess of officers of rank appointed to the major-general's body guard of only 300 men, the commander being a colonel, etc. The whole number of irregular appointments made by General Frémont was said by Colonel Andrews to be nearly 200.

The following is a copy of one of these appointments:

"HEADQUARTERS WESTERN DEPARTMENT,
"*St. Louis, August 28, 1861.*

"SIR: You are hereby appointed captain of cavalry, to be employed in the land transportation department, and will report for duty at these headquarters.

"J. C. FRÉMONT,
"*Major-General, Commanding.*

"Capt. FELIX VOGELE, *Present.*"

I also saw a similar appointment given to an individual on General Frémont's staff, as director of music, with the rank and commission of *captain of engineers.* This person was a musician in a theater in St. Louis. Colonel Andrews was verbally instructed by me not to pay him, the person having presented the two papers and demanded pay. Colonel Andrews also stated that these appointments bore one date, but directed payment, in some cases, a month or more anterior thereto. He was then without funds, except a small amount.

* * * * * * *

Respectfully submitted.

L. THOMAS, *Adjutant-General.*

[Ibid., pp. 540–549.]

On October 24, 1861, a general order was issued from headquarters of the Army directing General Frémont to call Major-General Hunter, United States Volunteers, to relieve him temporarily of the command of the Western Department. This order was carried into execution November 2, 1861, and on November 9, 1861, the Western Department was merged into the newly created Department of the Missouri, the command of which was conferred upon Maj. Gen. H. W. Halleck.

On the 11th of November, 1861, Major-General McClellan, commanding the Army, addressed to General Halleck a letter of instructions, in which he said:

HEADQUARTERS OF THE ARMY,
Washington, D. C., November 11, 1861.

Maj. Gen. H. W. HALLECK, U. S. A.,
Commanding Department of the Missouri.

GENERAL: In assigning you to the command of the Department of the Missouri, it is probably unnecessary for me to state that I have intrusted to you a duty which requires the utmost tact and decision. You have not merely the ordinary duties of a military commander to perform, but the far more difficult task of reducing chaos to order, of changing probably the majority of the personnel of the staff of the department, and of reducing to a point of economy, consistent with the interests and necessities of the State, a system of reckless expenditure and fraud, perhaps unheard of before in the history of the world.

You will find in your department many general and staff officers holding illegal commissions and appointments not recognized or approved by the President or Secretary of War. You will please at once inform these gentlemen of the nullity of their appointment, and see that no pay or allowances are issued to them until such time as commissions may be authorized by the President or Secretary of War.

If any of them give the slightest trouble you will at once arrest them and send them, under guard, out of the limits of your department, informing them that if they return they will be placed in close confinement. You will please examine into the legality of the organization of the troops serving in the department. When you find any illegal, unusual, or improper organizations, you will give to the officers and men an opportunity to enter the legal military establishment under general laws and orders from the War Department, reporting in full to these headquarters any officer or organization that may decline.

* * * * * * *

I am, general, etc.,

GEO. B. MCCLELLAN,
Major-General, Commanding United States Army.

[Ibid., p. 568.]

On November 12, 1861, General McClellan issued the following order:

SPECIAL ORDERS, No. 304.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 12, 1861.

* * * * * * *

PAR. 4. Maj. Gen. J. C. Frémont, United States Army, having been relieved from the command of the Western Department, and from duty in the field, those members of his staff who have been selected from civil life, under the authority of the act approved August 5, 1861, cease from the date on which he relinquished command to be connected with the service.

PAR. 5. All persons, with the exception of regimental and company officers, who have been appointed into the military service by Major-General Frémont, and whose appointments have not been sanctioned by the President, are hereby discharged the service of the United States.

By command of Major-General McClellan:

L. THOMAS, *Adjutant-General.*

The act of Congress approved August 5, 1861, referred to in paragraph 4 of the order quoted above, is Public, No. 42, authorizing the President to appoint aides-de-camp.

The following order issued by Major-General McClellan is here

quoted as a part of the history of appointments in the Western Department:

SPECIAL ORDERS, No. 307.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, November 16, 1861.*

1. The following appointments made by Col. Chester Harding, jr., Tenth Missouri Volunteers, in obedience to instructions from Major-General Frémont, commanding Western Department, dated August 21, 1861, are confirmed, to take effect from the dates hereinafter specified, viz:

George D. Kellogg, assistant adjutant-general of volunteers, with rank of captain, August 21, 1861.

William D. Colman, assistant quartermaster-general of volunteers, with rank of captain, August 21, 1861.

Edward Harding, commissary of subsistence of volunteers, with rank of captain, August 21, 1861.

J. S. Prout, brigade surgeon of volunteers, August 21, 1861.

These appointments will be considered as vacated on the 12th day of November, 1861, upon which date the officers mentioned were honorably discharged from the service of the United States, in pursuance of Special Orders, No. 304, current series, from this office.

* * * * * * *

By command of Major-General McClellan:

L. THOMAS, *Adjutant-General.*

It is evident that this order, not being the action of the President of the United States, who alone is authorized to make appointments to the staff corps of the Army, had no legal effect on the status of the persons to whom the order relates.

General McClellan's order No. 304 was speedily followed by orders for the payment of the class of persons referred to in its second part (paragraph 5). Following are copies of correspondence and orders relative to the subject:

[Copy of indorsement on Special Orders, No. 304.]

ADJUTANT-GENERAL'S OFFICE, *November 25, 1861.*

Respectfully returned to the Paymaster-General. The list of persons appointed by General Frémont has been this day returned to General Halleck with the following indorsement: "The Secretary of War directs that all persons discharged under the second part of the accompanying Special Orders, No. 304, who have actually rendered service shall be paid."

L. THOMAS, *Adjutant-General.*

Respectfully forwarded to Lieut. Col. T. P. Andrews, Deputy Paymaster-General, United States Army, for his information.

BENJ. F. LARNED, *Paymaster-General.*

ST. LOUIS, MO., *December 1, 1861.*

Col. B. F. LARNED,
Paymaster-General United States Army.

SIR: Yours of the 28th instant indorsing the Adjutant-General's note on the list of General Frémont's appointees is received, and as I understand it as ordering his military appointees (second paragraph of Special Orders, No. 304) are to be paid to November 12, and those of his staff are not to be paid at all, I shall so act unless directed otherwise by General Halleck.

* * * * * * *

Very respectfully, your obedient servant,

T. P. ANDREWS,
Deputy Paymaster-General, United States Army.

SPECIAL ORDERS, No. 23.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, December 2, 1861.

* * * * * * *

4. The general commanding has been advised that the Secretary of War directs that all persons discharged under the second paragraph of Special Orders, No. 304, dated Headquarters of the Army, Washington, November 12, 1861, who have actually rendered service, shall be paid for such service.

The rolls of the persons so discharged will immediately be copied and furnished to the chief of the pay department in this city, and also regulations will be adopted for determining in each case the time of service.

* * * * * * *

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

ST. LOUIS, *December 5, 1861.*

Lieut. Col. T. P. ANDREWS,
Chief, Pay Department, St. Louis.

COLONEL: You will receive herewith a list of appointments made by Major-General Frémont, sent to me from the office of the Adjutant-General of the Army with the following indorsement: "The Secretary of War directs that all persons discharged under the second paragraph of the accompanying Special Orders, No. 304, who have actually rendered service shall be paid."

You will make the payment as directed, taking proper precautions to ascertain the time of service "actually rendered," and requiring for that purpose the affidavits of the claimants.

An additional list will be furnished as soon as it can be prepared.

Very respectfully, your obedient servant,

H. W. HALLECK, *Major-General.*

GENERAL ORDERS, No. 21.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, December 9, 1861.

* * * * * * *

II. All persons commissioned by Major-General Frémont and discharged under the second paragraph of Special Orders, No. 304, dated Headquarters of the Army, Washington, November 12, 1861, and whose names are not included in the lists furnished to the chief of the pay department, in compliance with instructions from the Secretary of War, dated November 25, 1861, will refer their claims for payment to the Adjutant-General at Washington, the commanding-general of this department not being authorized to act upon such claims.

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, December 9, 1861.

Adjt. Gen. L. THOMAS,
Headquarters of the Army, Washington, D. C.

GENERAL: There are a number of officers in this department in possession of commissions from General Frémont who have done valuable service, but whose names do not appear on either of the lists sent from the Adjutant-General's Office with orders for payment. These men are deserving. Not having received any compensation for their services, they are now in destitute circumstances. I respectfully ask authority to order payment for their services to November 12, the day on which the appointments of General Frémont expired.

Very respectfully, your obedient servant,

H. W. HALLECK, *Major-General.*

ADJUTANT-GENERAL'S OFFICE,
Washington, January 13, 1862.

Maj. Gen. H. W. HALLECK,
Commanding the Department of the Missouri.

GENERAL: I have the honor to acknowledge the receipt of your letter of the 9th ultimo, relative to the payment of certain officers whose names do not appear on either of the lists sent from this office, with orders for payment, and to state that authority is granted you to order payment for their services to November 12, 1861, as requested.

I am, general, very respectfully, your obedient servant,

L. THOMAS, *Adjutant-General.*

On November 19, 1861, General Halleck assumed the command of the department to which he had been assigned. One of his first official acts was to disband the companies of "telegraph builders, operators, etc., and the companies of telegraph guards created by authority of Major-General Frémont." (Special Orders of November 21, 1861, Book No. 89, Department of the Missouri, p. 16.) A few days later, on the 27th of November, he ordered the muster out of the squadron of cavalry known as the "Frémont Body Guard," which had been mustered in with an unlawful restriction as to its service (Special Order Book No. 89, Department of the Missouri, p. 10), and on the 4th of December he issued a general order preparatory to a "systematic organization of the forces" of the department. Following is a copy of the last-mentioned order:

GENERAL ORDERS, No. 14.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, December 4, 1861.

With a view to a systematic organization of the forces of this department, all commanders of regiments, batteries, troops, and companies raised under authorizations from any source whatever, now in the service of the United States in this department, will forward certified copies of their "muster-in rolls," including those of the field and staff, as well as those of companies, to these headquarters. The rolls will be accompanied by a letter of advice, stating the present station of the force, giving the town and county, also whether the officers are commissioned, and by whom. These rolls will be forwarded through the commanders of districts, divisions, brigades, or posts, who will see that it is done as promptly as possible. Where there are corps or detachments which have not been mustered, but have been in service, the commanding officer will make affidavit before an officer authorized to administer oaths that the rolls are correct, and that the men and officers on the rolls thus authenticated have been in service for the period set opposite their respective names, which affidavit will be forwarded with the rolls.

The object of this order being to have commissions furnished to those officers who are without them, and the troops mustered so that they can be paid and supplied with clothing and subsistence, in accordance with law and regulations, the interests of the service as well as those of men and officers prompt the utmost diligence in complying with this order. They will be addressed to the assistant adjutant-general at these headquarters, marked on the envelope "Muster in rolls."

By order of Major-General Halleck:

J. C. KELTON, *Assistant Adjutant-General.*

Under date of December 13, 1861, General Halleck addressed to the Adjutant-General of the Army a communication in which he set forth at considerable length the irregularities of organization existing in his department and the measures proposed for their correction. This letter is in part as follows:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., December 13, 1861.

Brig. Gen. LORENZO THOMAS,
Adjutant-General of the Army, Washington, D. C.

GENERAL: On examination of the organization of the troops in this department, I find numerous irregular and fragmentary bodies actually in service, but not in the

manner authorized by law. It is very difficult to dispose of these in such a way as not to injure the public service or do injustice to the officers and men, and at the same time conform to the law and regulations.

In the case of the Frémont Body Guard, I used my best endeavors to induce them to remain in service, but they unanimously protested against it, on the ground that they were not enlisted to serve the United States but to serve Major-General Frémont, and that on his removal their term of service ceased. I directed the captains of companies to present me their original muster rolls, which they did, and I found that they had only obligated themselves to serve as General Frémont's body guard. They said, moreover, that the mustering officer, Capt. John D. O'Connell, Fourteenth Infantry, announced to them at the time of the mustering in that if General Frémont should die or be otherwise removed from the command their term of service would cease. I, therefore, at their own solicitation and the request of Major-General Frémont, mustered them out.

* * * * * * *

The engineer organization in this department is a very peculiar one, and the greater part of it without any authority of law. As near as can be ascertained this organization is as follows:

	Officers.	Enlisted men.
Colonel Bissell's engineer regiment	36	925
Two companies of telegraph men	6	200
One company of telegraph guards	3	25
Signal company	4	51
Force of sappers and miners	.....	42
Company of pioneers, sappers and miners	3	98
Company of pontoniers	3	100
Engineer detachment at Ironton	3	17
Engineer corps, etc	43	.....

Colonel Bissell's regiment is regularly mustered into service, receiving infantry pay, with allowance for extra service, as provided by law. The other ten companies, under various names, I propose to unite into a battalion, and to muster them in as infantry on the same terms as Bissell's regiment; that is, to have the extra allowance when acting as engineer troops. To effect this it will probably be necessary to break up the present organizations, so as to dispense in the new with the extra officers. The two companies of telegraph men and telegraph guards, 9 officers and 225 men, have already been mustered out, but many of them are ready to reorganize as infantry in the manner proposed.

The engineer corps proper, as it is called, has no troops, but probably about fifty officers. The names of forty-three have already been ascertained, but some one turns up every few days holding a commission or appointment from General Frémont. Some of these are already discharged; but it is impossible to discharge them all at present, their services being absolutely indispensable in the construction of the works which are now being built at Paducah, Cairo, Fort Holt, Girardeau, Rolla, Jefferson City, La Mine Cantonment near Sedalia, etc. The commanding officers at these places report that it is impossible to proceed with these defenses, now partially constructed, without the aid of one or more engineer officer at each place. I coincide in their opinion, and shall be obliged to retain in service some ten or twelve of the most competent of these officers, with the pay of captains and lieutenants of engineers, until some arrangement can be made to replace them by regular officers.

I would remark that the pontonier company has a large and costly bridge train nearly complete, and that the signal company has in its possession signal instruments, not, perhaps, of much value for military operations, but which have cost a large sum of money.

The changes proposed will obviate the present irregularities and anomalies of organization; greatly reduce the expenses, and give efficiency to this branch of the service which now seems to be without form and almost without use. I consider myself authorized by the instructions of the 2d instant to make them, and shall do so as rapidly as possible, unless otherwise directed. The reorganization of the fragmentary bodies of artillery, cavalry, and infantry will be pushed forward with all possible dispatch.

* * * * * * *

Very respectfully, your obedient servant,

H. W. Halleck, *Major-General.*

[Official Records of the Union and Confederate Armies, Series I, Vol. VIII, p. 434.]

On December 14, 1861, General Halleck issued his General Orders, No. 25, in which he directed that the members of all corps mustered into service without due regard to the ratio of officers and men, as fixed in the general orders of the War Department, be paid for past services actually rendered. In another paragraph of the order he announced his plan of reorganization, as follows:

GENERAL ORDERS, No. 25. HEADQUARTERS DEPARTMENT OF THE MISSOURI, *St. Louis, December 14, 1861.*

* * * * * * *

V. All incomplete organizations of companies and regiments heretofore mustered into service, but not in accordance with the law and orders regulating the ratio between officers and men, will be reorganized in accordance with the instructions of the War Department.

* * * * * * *

By order of Major-General Halleck:

J. C. KELTON, *Assistant Adjutant-General.*

A few days later, on December 19, 1861, in a letter addressed to Major-General McClellan, General Halleck said of his proposed reorganization:

> The condition of the country and the state of public feeling here resulting from General Frémont's removal excited by designing party politicians rendered it prudent to move in this matter slowly and cautiously. The task imposed on me here in this chaos of incendiary elements is not an easy one, and those at a distance who can not understand the real condition of affairs should not be hasty in judging of my conduct, and, above all, they should not embarrass me by unnecessary interference. [Ibid., p. 449.]

By the discharge of the staff officers appointed by General Frémont, the consolidation of fragmentary organizations, the disbandment of those unauthorized by law, the muster out of such organizations as had been accepted with unauthorized conditions of service, and the commissioning by the governor of the officers of regimental organizations retained in service, which was done at General Halleck's request, the task of "reducing chaos to order" was finally accomplished. The evil effects of General Frémont's irregular and unlawful proceedings were, however, manifest long after his relinquishment of the command of the Western Department, as is apparent elsewhere in this paper, especially in that portion of it devoted to the United States Reserve Corps, three years' service.

LISTS OF UNION ORGANIZATIONS.

LIST OF MISSOURI ORGANIZATIONS REGULARLY MUSTERED INTO THE MILITARY SERVICE OF THE UNITED STATES OR RECOGNIZED BY THE WAR DEPARTMENT AS HAVING BEEN IN THAT SERVICE.[a]

CAVALRY.

First Regiment, Missouri State Militia.
First Battalion, Missouri State Militia, old. (Became Companies A to F, First Cavalry Regiment, Missouri State Militia.)
First Battalion, Missouri State Militia, new.
First Battalion, United States Reserve Corps, three years' service. (Also known as Hollan Horse; consolidated with Fourth and Fifth Cavalry regiments, three years' volunteers.)
First Regiment, three years' volunteers.
First Battalion, three years' volunteers. (Bowen's Battalion.)
First Battalion, Western Cavalry, three years' volunteers. (Also known as Frémont Hussars; became part of Fourth Cavalry, three years' volunteers.)
Second Regiment, Missouri State Militia.
Second Battalion, Missouri State Militia, old. (Consolidated with Fourth and Eighth Cavalry regiments, Missouri State Militia.)
Second Battalion, Missouri State Militia, new.
Second Regiment, three years' volunteers. (Also known as Merrill's Horse.)
Third Regiment, Missouri State Militia, old. (Consolidated with Sixth and Seventh Cavalry regiments, Missouri State Militia.)[b]
Third Regiment, Missouri State Militia, new.
Third Battalion, Missouri State Militia. (Became part of Third Cavalry Regiment, old, Missouri State Militia.)
Third Regiment, three years' volunteers.
Fourth Regiment, Missouri State Militia.
Fourth Battalion, Missouri State Militia. (One company transferred to First Infantry Regiment, Missouri State Militia; remainder became First Cavalry Battalion, Missouri State Militia, new.)
Fourth Regiment, three years' volunteers.
Fifth Regiment, Missouri State Militia, old.[c]

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[a] The Missouri State Militia, although not actually in the military service of the United States, has a status so nearly assimilated to that of troops in the United States service that it has been included in this list. For information as to the status of the Missouri State Militia, see narrative statement, p. 21.

[b] This regiment was broken up February 2, 1863, and on the same date the Tenth was designated the Third Cavalry, Missouri State Militia.

[c] This regiment was discontinued February 2, 1863, and on the same date the Thirteenth was designated the Fifth Cavalry, Missouri State Militia.

Fifth Regiment, Missouri State Militia, new.
Fifth Battalion, Missouri State Militia. (Consolidated with Sixth Cavalry Regiment and Sixth Cavalry Battalion, Missouri State Militia.)
Fifth Regiment, three years' volunteers. (Consolidated with Fourth Cavalry Regiment, three years' volunteers.)
Fifth Independent Battalion, three years' volunteers. (Also known as Berry's Battalion.)
Sixth Regiment, Missouri State Militia.
Sixth Battalion, Missouri State Militia. (Also known as Boonville Battalion; consolidated with Thirteenth Cavalry, and First Infantry, Missouri State Militia.)
Sixth Regiment, Provisional Enrolled Missouri Militia, twenty months. (Became the Sixteenth Cavalry, twenty months' volunteers.)
Sixth Regiment, three years' volunteers.
Seventh Regiment, Missouri State Militia.
Seventh Battalion, Missouri State Militia. (Became a part of the Second Cavalry Regiment, Missouri State Militia.)
Seventh Regiment, Provisional Enrolled Missouri Militia, twenty months. (Became the Fifteenth Cavalry Regiment, twenty months' volunteers.)
Seventh Regiment, three years' volunteers.
Eighth Regiment, Missouri State Militia.
Eighth Battalion, Missouri State Militia. (Became part of Fourth Cavalry Regiment, Missouri State Militia.)
Eighth Regiment, three years' volunteers.
Ninth Regiment, Missouri State Militia.
Ninth Battalion, Missouri State Militia. (Became part of Fifth Cavalry Regiment, old, Missouri State Militia.)
Ninth Regiment, three years' volunteers. (Transferred to Third and Tenth Cavalry Regiments, three years' volunteers.)
Tenth Regiment, Missouri State Militia.[a]
Tenth Battalion, Missouri State Militia. (Became part of Tenth Cavalry Regiment, Missouri State Militia.)
Tenth Regiment, three years' volunteers.
Eleventh Regiment, Missouri State Militia. (Consolidated with the Second Cavalry Regiment, Missouri State Militia.)
Eleventh Battalion, Missouri State Militia. (Became part of Twelfth Cavalry Regiment, Missouri State Militia.)
Eleventh Regiment, three years' volunteers.
Twelfth Regiment, Missouri State Militia. (Consolidated with the Third, new, and Fifth Cavalry regiments, Missouri State Militia.)
Twelfth Regiment, three years' volunteers.
Thirteenth Regiment, Missouri State Militia.[b]
Thirteenth Regiment, three years' volunteers.[c]
Fourteenth Regiment Missouri, State Militia. (Also known as Mountain or Mounted Rangers; consolidated with the Fourth and Eighth Cavalry regiments, Missouri State Militia.)

[a] On February 2, 1863, this regiment was designated the Third Cavalry, new, Missouri State Militia, the original Third Cavalry having been broken up on that date.

[b] On February 2, 1863, this regiment was designated the Fifth Cavalry, new, Missouri State Militia, the original Fifth Cavalry having been discontinued on that date.

[c] This regiment was composed of veteran volunteers reenlisted from the Missouri State Militia regiments.

Fourteenth Regiment, three years' volunteers.[a]
Fifteenth Regiment, twenty months' volunteers.
Sixteenth Regiment, twenty months' volunteers.
Benton Hussars. (Became part of the Fifth Cavalry, three years' volunteers.)
Berry's Battalion. (Fifth Independent Battalion, three years' volunteers.)
Black Hawk Battalion. (Became part of the Seventh Cavalry, three years' volunteers.)
Boonville Battalion. (Sixth Cavalry Battalion, Missouri State Militia.)
Bowen's Battalion. (Also known as First Battalion, three years' volunteers; became part of Ninth Cavalry, three years' volunteers.)
Burris's Unattached Company. (Became Company I, First Cavalry Regiment, Missouri State Militia.)
Cass County Home Guard Regiment, three years' volunteers.
Dade County Squadron, Captain Switzler. (Company A, Frémont Battalion.)
Dade County Squadron, Captain Wright. (Company D, Frémont Battalion.)
Frémont Battalion. (Became part of Sixth Cavalry Regiment, three years' volunteers.)
Frémont's Body Guard Battalion, three years' volunteers.
Frémont Hussars. (First Western Cavalry Battalion, three years' volunteers.)
Frémont Rangers, *Illinois*. (Became part of Third Cavalry Regiment, three years' volunteers.)
Goerisch's Company. (Cavalry Company L, Second Infantry Regiment, United States Reserve Corps, three years' service; became Company B, First Cavalry Battalion, United States Reserve Corps, three years' service.)
Hawkins's Independent Company. (Became Company F, Sixth Cavalry Regiment, three years' volunteers.)
Hawk's Independent Company. (Attached to Twenty-second Infantry Battalion, three years' volunteers; became Company I, Seventh Cavalry Regiment, three years' volunteers.)
Hollan Horse. (First Cavalry Battalion, United States Reserve Corps, three years' service.)
Humphrey's Independent Company. (Attached to the Eighteenth Infantry Regiment; became Company M, Seventh Cavalry Regiment, three years' volunteers.)
Johnson's Unattached Company. (Became Company L, First Cavalry Regiment, Missouri State Militia.)
Kaltenbach's Company. (Cavalry Company L, Fifth Infantry Regiment, United States Reserve Corps, three years' service; became Company C, First Cavalry Battalion, United States Reserve Corps, three years' service.)
Kansas Rangers. (Also known as Mounted Rangers; became part of Union Rangers.)
Loring's Independent Company. (Attached to Eighteenth Infantry Regiment, three years' volunteers; became Company K, Seventh Cavalry Regiment, three years' volunteers.)

[a] This regiment was partially composed of veteran volunteers reenlisted from the Missouri State Militia regiments.

Love's Independent Company. (Attached to Eighteenth Infantry Regiment, three years' volunteers; became Company L, Seventh Cavalry Regiment, three years' volunteers.)
Melter's Company. (Attached to First Infantry Regiment, United States Reserve Corps, three months' service.)
Melter's Company, Dragoons, First Infantry, United States Reserve Corps, three years' service. (Became Company A, First Cavalry Battalion, United States Reserve Corps, three years' service.)
Merrill's Horse. (Second Cavalry Regiment, three years' volunteers.)
Mounted or Mountain Rangers. (Fourteenth Cavalry Regiment, Missouri State Militia.)
Mounted Rangers. (Kansas Rangers.)
Peery's Unattached Company. (Became Company K, First Cavalry Regiment, Missouri State Militia.)
Prairie Scouts. (Companies C and L, First Cavalry Regiment, three years' volunteers, and Naughton's Irish Dragoons, Twenty-third *Illinois* Regiment.)
Red Rovers. (Became Company I, Tenth Cavalry Regiment, Missouri State Militia.)
Schofield Hussars. (Became Company I, Thirteenth Cavalry Regiment, Missouri State Militia.)
Siegler's Company. (Cavalry Company L, Third Infantry Regiment, United States Reserve Corps, three years' service; became Company E, First Cavalry Battalion, United States Reserve Corps, three years' service.)
Smallwood's Company, Scouts and Guides, three months' volunteers.
Sobolaski's Independent Company of Lancers, three years' volunteers.
Stewart's Battalion, three years' volunteers.
Union Rangers. (Part of Wood's Battalion, three years' volunteers.)
Warren County Battalion. (Part of Tenth Cavalry Regiment, Missouri State Militia.)
Wenkel's Company. (Cavalry Company M, Fifth Infantry Regiment, United States Reserve Corps, three years' service; became Company D, First Cavalry Battalion, United States Reserve Corps, three years' service.)
Winter's Independent Company. (Attached to Twenty-second Infantry Battalion, three years' volunteers; became Company H, Seventh Cavalry Regiment, three years' volunteers.)
Wood's Battalion, three years' volunteers. (Consolidated with the Sixth Cavalry Regiment, three years' volunteers.)

ARTILLERY.

First Battery, Missouri State Militia.
First Regiment, United States Reserve Corps, three years' service.[a] (Became Second Artillery Regiment, three years' volunteers.)
First Regiment, Light, three years' volunteers.
First Flying Battery, three years' volunteers. (Company F, Second Artillery Regiment, three years' volunteers.)
Second Regiment, three years' volunteers.[b]

[a] This regiment was composed of 12 companies of heavy artillery and 3 light batteries.

[b] This regiment was originally composed of 12 companies of heavy artillery and 3 light batteries. By reorganization it became a light-artillery regiment, composed of 12 batteries.

Arthur's Battery. (Battery G, Second Artillery Regiment, three years' volunteers.)
Atwater's Battery. (Battery E, First Artillery Regiment, three years' volunteers.)
Backof's Battalion, three months' militia, 1861.
Backof's Battery. (Schofield Light Artillery, Missouri State Militia.)
Backof's Battalion, Light Artillery, three years' volunteers.[a]
Backof's Battery. (Schofield Light Artillery, three years' volunteers.)
Boardman's Battery. (Battery M, Second Artillery Regiment, three years' volunteers.)
Buel's Battery. (Became Bulliss's Battery, Light Artillery, three years' volunteers.)
Bulliss's Battery. (Originally Buel's; became Sheldon's Battery, Light Artillery, three years' volunteers.)
Burke's Battery. (Battery K, First Artillery Regiment, three years' volunteers.)
Callahan's Battery. (Battery H, First Artillery Regiment, three years' volunteers.)
Callender's Battery. (Battery D, First Artillery Regiment, three years' volunteers.)
Cavender's Battery. (Battery G, First Artillery Regiment, three years' volunteers.)
Cole's Battery. (Battery E, First Artillery Regiment, three years' volunteers.)
Confare's Battery. (Battery K, Second Artillery Regiment, three years' volunteers.)
Essig's Battery. (Battery A, Backof's Artillery Battalion, three months' militia, 1861.)
Fish's Batteries. (Batteries A, K, and M, First Artillery Regiment, three years' volunteers.)
Flagg's Battery. (Battery E, Second Artillery Regiment, three years' volunteers.)
Foust's Battery. (Battery F, First Artillery Regiment, three years' volunteers.)
Fuchs's Batteries. (Battery L, subsequently I, and Battery C, Second Artillery Regiment, three years' volunteers.)
Hescock's Battery. (Battery G, First Artillery Regiment, three years' volunteers.)
Jackson's Battery. (Battery G, Second Artillery Regiment, three years' volunteers.)
Johnson's Battery, Horse Artillery. (Became Johnson's Company, Unattached Cavalry, Missouri State Militia.)
Joyce's Battery. (A temporary organization formed of men detached from the Tenth Cavalry Regiment, three years' volunteers.)
Julian's Battery. (Battery I, Second Artillery Regiment, three years' volunteers.)
Knispel's Battery. (A temporary organization formed of men detached from the Fourth Cavalry Regiment, three years' volunteers.)
Kowald's Battery. (Organization not completed; men mustered out or transferred to Schwartz's Battery, *Illinois* Artillery.)

[a] This battalion was composed of two independent batteries, viz, Welfley's and Mann's.

Landgraeber's Battery. (First Flying Battery; originally Pfennighausen's; became Battery F, Second Artillery Regiment, three years' volunteers.)
Lovejoy's Howitzer Battery. (A temporary organization formed of men detached from various companies of the Second Cavalry Regiment, three years' volunteers.)
McClanahan's Battery. (A temporary organization formed of men detached from the Second Cavalry Regiment, Missouri State Militia.)
McMurray's Batteries. (Battery L, First, and Battery L, Second Artillery Regiment, three years' volunteers.)
Mann's Battery. (Battery B, Backof's Artillery Battalion, three years volunteers; became Battery C, First Artillery Regiment, three years' volunteers.)
Manter's Battery. (Battery A, First Artillery Regiment, three years' volunteers.)
Marr's Batteries. (Batteries K and M, First Artillery Regiment, three years' volunteers.)
Matthaei's Battery. (Battery C, First Artillery Regiment, three years' volunteers.)
Maurice's Batteries. (Batteries B and K, First Artillery Regiment, three years' volunteers.)
Miller's Battery. (Battery I, First Artillery Regiment, three years' volunteers.)
Montgomery's Battery. (Battery H, Second Artillery Regiment, three years' volunteers.)
Murphy's Battery. (Battery F, First Artillery Regiment, three years' volunteers.)
Neustaedter's Battery. (Battery C, Backof's Artillery Battalion, three months' militia, 1861.)
Nichols's Battery. (Battery E, First Artillery Regiment, three years' volunteers.)
Pfennighausen's Battery. (First Independent Battery, Flying Artillery; became Landgraeber's First Independent Battery, Flying Artillery.)
Powell's Battery. (Battery M, First Artillery Regiment, three years' volunteers.)
Randol's Battery. (Battery L, First Artillery Regiment, three years' volunteers.)
Richardson's Battery. (Battery D, First Artillery Regiment, three years' volunteers.)
Riemann's Battery. (Battery A, First Artillery Regiment, United States Reserve Corps, three years' service; subsequently Battery L, Second Artillery Regiment, three years' volunteers.)
Rinne's Battery. (Battery C, Second Artillery Regiment, three years' volunteers.)
Rowland's Battery. (Battery K, Second Artillery Regiment, three years' volunteers.)
Schaeriff's Battery. (Battery D, Second Artillery Regiment, three years' volunteers.)
Schofield's Battery. (Battery A, First Artillery Regiment, three years' volunteers.)
Schofield Light Artillery, Missouri State Militia.
Schofield Light Artillery, three years' volunteers. (Became Battery L, First Light Artillery Regiment, three years' volunteers.)

Schwarz's Battery. (Battery E, Second Artillery Regiment, three years' volunteers.)
Sheldon's Battery. (Previously Buel's and Bulliss's; became Battery I, First Artillery Regiment, three years' volunteers.)
Simonton's Battery. (Battery B, Second Artillery Regiment, three years' volunteers.)
Stange's Batteries. (Battery C, First Artillery Regiment, United States Reserve Corps, three years' service, and Batteries E and M, Second Artillery Regiment, three years' volunteers.)
Stone's Batteries. (Batteries C and K, First Artillery Regiment, three years' volunteers.)
Strodtman's Batteries. (Batteries A and G, Second Artillery Regiment, three years' volunteers.)
Sutter's Battery. (Battery B, Second Artillery Regiment, three years' volunteers.)
Tannrath's Battery. (Battery I, First Artillery Regiment, three years' volunteers.)
Thurber's Batteries. (First Battery, Missouri State Militia—originally Wachsman's—and Battery L, Second Artillery Regiment, three years' volunteers.)
Thurneck's Battery. (Battery B, First Artillery Regiment, United States Reserve Corps, three years' service.)
Tiemeyer's Battery. (Battery M, First Artillery Regiment, three years' volunteers.)
Troll's Battery. (Battery A, Second Artillery Regiment, three years' volunteers.)
Voelkner's Battery. (Battery F, Second Artillery Regiment, three years' volunteers.)
Wachsman's Battery. (First Battery, Missouri State Militia, and Battery A, Second Artillery Regiment, three years' volunteers.)
Welfley's Battery. (Battery A, Backof's Artillery Battalion, three years' volunteers; became Battery B, First Artillery Regiment, three years' volunteers.)
Welker's Battery. (Battery H, First Artillery Regiment, three years' volunteers.)
Wilkins's Battery. (Battery B, Backof's Artillery Battalion, three months' militia, 1861.)
Yates's Battery. (Battery H, First Artillery Regiment, three years' volunteers.)

INFANTRY.

First Regiment, three months' militia, 1861. (Also known as German Turners; composed of 12 companies, 2 of which were known as Companies A and B, Rifle Battalion.)
First Regiment, Missouri State Militia.
First Regiment, Enrolled Missouri Militia. (Three companies in United States service thirty days in 1864.)
First Regiment, United States Reserve Corps, three months' service. (Composed of 12 companies.)
First Regiment, United States Reserve Corps, three years' service.
First Regiment, three years' volunteers. (Became First Artillery Regiment, three years' volunteers.)
First Regiment, Rifles. (Eleventh Infantry, three years' volunteers.)

First Northeast Battalion, three years' volunteers.[a]
Second Regiment, three months' militia, 1861.
Second Regiment, United States Reserve Corps, three months' service.
Second Regiment, United States Reserve Corps, three years' service.
Second Regiment, three years' volunteers. (Also known as Asboth Rifles.)
Second Northeast Battalion, three years' volunteers.[a]
Second Regiment, Rifles. (Twelfth Infantry, three years' volunteers.)
Third Regiment, three months' militia, 1861. (Composed of 12 companies, 2 of which were known as Companies A and B, Rifle Battalion.)
Third Regiment, United States Reserve Corps, three months' service.
Third Regiment, United States Reserve Corps, three years' service. (Consolidated with the Gasconade County Infantry Battalion, United States Reserve Corps, three years' service, to form the Fourth Infantry Regiment, three years' volunteers.)
Third Regiment, three years' volunteers.
Fourth Regiment, three months' militia, 1861. (Also known as Schwarze or Black Jager Regiment; composed of 12 companies, 2 of which were known as Companies L and M, Rifle Battalion.)
Fourth Regiment, United States Reserve Corps, three months' service. (Composed of 12 companies, 2 of which were known as Companies L and M, Rifle Battalion.)
Fourth Regiment, United States Reserve Corps, three years' service.
Fourth Regiment, three years' volunteers.
Fifth Regiment, three months' militia, 1861.
Fifth Regiment, United States Reserve Corps, three months' service.
Fifth Regiment, United States Reserve Corps, three years' service. (Became the Fifth Infantry Regiment, three years' volunteers.)
Fifth Regiment, three years' volunteers.
Sixth Regiment, three years' volunteers.
Seventh Regiment, three years' volunteers. (Also known as Irish Seventh.)
Eighth Regiment, three years' volunteers. (Also known as American Zouaves.)
Ninth Regiment, three years' volunteers. (Also known as Zouaves; became Fifty-ninth *Illinois* Infantry.)
Tenth Regiment, three years' volunteers.
Eleventh Regiment, three years' volunteers. (Also known as First Regiment, Rifles.)
Twelfth Regiment, three years' volunteers. (Also known as Second Regiment, Rifles.)
Thirteenth Regiment, three years' volunteers, old. (Also known as Upper Thirteenth; became Twenty-fifth Infantry Regiment, three years' volunteers.)
Thirteenth Regiment, three years' volunteers, new. (Became Twenty-second *Ohio* Volunteers.)
Fourteenth Regiment, three years' volunteers. (Also known as Birge's or Western Sharpshooters; became Sixty-sixth *Illinois* Infantry.)
Fifteenth Regiment, three years' volunteers. (Also known as Swiss Rifles.)

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[a] The First and Second Northeast battalions mentioned in this list were consolidated to form the Twenty-first Missouri Infantry, three years' volunteers. They are separate and distinct from the organizations of the same designations mentioned in the list of Home Guard organizations paid through the agency of the Hawkins Taylor Commission.

Sixteenth Regiment, three years' volunteers. (Organization not completed; Company A became Company A, Twenty-seventh Infantry Regiment, three years' volunteers; the remaining members of the regiment were assigned to *Illinois* regiments.)
Seventeenth Regiment, three years' volunteers. (Also known as Western Turner Rifles.)
Eighteenth Regiment, three years' volunteers. (Also known as Morgan Rangers.)
Nineteenth Regiment, three years' volunteers. (Also known as Lyon Regiment; 4 companies organized; consolidated with Third Infantry Regiment, three years' volunteers.)
Twenty-first Regiment, three years' volunteers.[a]
Twenty-second Battalion, three years' volunteers. (Consolidated with Tenth and Twenty-fourth Infantry Regiments, three years' volunteers.)
Twenty-third Regiment, three years' volunteers.
Twenty-fourth Regiment, three years' volunteers. (Also known as Lyon Legion.)
Twenty-fifth Regiment, three years' volunteers. (Consolidated with the Engineer Regiment of the West to form the First Engineer Regiment, three years' volunteers.)
Twenty-sixth Regiment, three years' volunteers.
Twenty-seventh Regiment, three years' volunteers.
Twenty-seventh Regiment, Mounted Infantry, three years' volunteers. (Also known as Johnson County Home Guards.)
Twenty-eighth Regiment, three years' volunteers. (Organization not completed; changed to form Tenth Cavalry Regiment, three years' volunteers.)
Twenty-ninth Regiment, three years' volunteers.
Thirtieth Regiment, three years' volunteers. (Also known as Shamrock Regiment.)
Thirty-first Regiment, three years' volunteers.[b]
Thirty-second Regiment, three years' volunteers.[b]
Thirty-third Regiment, three years' volunteers. (Also known as Merchants' Regiment.)
Thirty-fourth Regiment, three years' volunteers. (Organization not completed; consolidated with Thirtieth Regiment.)
Thirty-fifth Regiment, three years' volunteers.
Thirty-sixth Regiment, three years' volunteers. (Organization not completed; consolidated with Thirty-second Infantry, three years' volunteers.)
Thirty-seventh Regiment, three years' volunteers. (Organization not completed; one officer mustered in and out of service; no record of enlisted men.)
Thirty-eighth Regiment, three years' volunteers. (Organization not completed; officers mustered out; no record of enlisted men.)
Thirty-ninth Regiment, six and twelve months' volunteers.

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[a] The Twentieth Regiment was not organized. The Twenty-first Regiment was formed by consolidation of the First and Second Northeast Infantry battalions, three years' volunteers.

[b] The Thirty-first and Thirty-second Infantry, three years' volunteers, were consolidated into a battalion known as the Consolidated Battalion, Thirty-first and Thirty-second Missouri Volunteers, subsequently designated the Thirty-second Infantry Regiment, three years' volunteers.

Fortieth Regiment, twelve months' volunteers.
Forty-first Regiment, twelve months' volunteers.
Forty-second Regiment, six and twelve months' volunteers.
Forty-third Regiment, twelve months' volunteers.
Forty-fourth Regiment, six and twelve months' volunteers.
Forty-fifth Regiment, six and twelve months' volunteers.
Forty-sixth Regiment, six months' volunteers.
Forty-seventh Regiment, six months' volunteers.
Forty-eighth Regiment, six and twelve months' volunteers.
Forty-ninth Regiment, twelve months' volunteers.
Fiftieth Regiment, six and twelve months' volunteers.
Fifty-first Regiment, twelve months' volunteers.[a]
Sixty-third Regiment, Enrolled Missouri Militia. (Four companies in United States service in 1864.)
American Zouaves. (Eighth Infantry Regiment, three years' volunteers.)
Asboth Rifles. (Second Infantry Regiment, three years' volunteers.)
Bayles's Independent Company, Rifles, three months' militia, 1861. (Also known as Lyon Guard.)
Benton Cadets (regiment), three years' volunteers.
Birge's Sharpshooters. (Fourteenth Infantry Regiment, three years' volunteers.)
Black Jager. (Fourth Infantry Regiment, three months' militia, 1861.)
Byrne's Unattached Company, Missouri State Militia. (Became Company A, First Infantry Regiment, Missouri State Militia.)
Dietrich's Independent Company, United States Reserve Corps, three years' service.
Gasconade County Battalion, United States Reserve Corps, three years' service. (Consolidated with the Third Infantry Regiment, United States Reserve Corps, three years' service, to form the Fourth Infantry Regiment, three years' volunteers.)
German Turners. (First Infantry Regiment, three months' militia.)
Holman's Battalion (sharpshooters), three years' volunteers. (Consolidated with the Twenty-sixth Infantry Regiment, three years' volunteers.)
Irish Seventh. (Seventh Infantry Regiment, three years' volunteers.)
Kansas City Battalion, United States Reserve Corps. (Van Horn's Battalion, United States Reserve Corps, three years' service.)
Kendrick Guards. (Company I, First Infantry Regiment, Missouri State Militia.)
King's Independent Company A, Railroad Patrol Guard, United States Reserve Corps, three years' service. (Also known as Railroad Patrol Guard.)
Krekel's Battalion, United States Reserve Corps, three years' service.
Lyon Guard. (Bayles's Independent Company, Rifles, three months' militia, 1861.)
Lyon Legion. (Twenty-fourth Infantry Regiment, three years' volunteers.)
Lyon Regiment. (Nineteenth Infantry Regiment, three years' volunteers.)

[a] Recruiting was begun for the Fifty-second to the Fifty-sixth Regiment, inclusive, but none of these regiments was completed, and the recruits were assigned to the Fifty-first Regiment.

Marion Battalion, United States Reserve Corps, three years' service. (Companies C and D became Companies D and C, respectively, of the Twenty-second Infantry Battalion, three years' volunteers. See also Marion County organization, Home Guards.)
Merchants' Regiment. (Thirty-third Infantry Regiment, three years' volunteers.)
Morgan Rangers. (Eighteenth Infantry Regiment, three years' volunteers.)
Osterhaus's Battalion, three months' militia, 1861. (Also known as Rifle Battalion; attached to Second Regiment, three months' militia.)
Phelps's Regiment, six months' volunteers.
Railroad Patrol Guard. (King's Independent Company, United States Reserve Corps, three years' service.)
Schwarze Jager. (Fourth Infantry Regiment, three months' militia, 1861.)
Shamrock Regiment. (Thirtieth Infantry Regiment, three years' volunteers.)
Swiss Rifles. (Fifteenth Infantry Regiment, three years' volunteers.)
Upper Thirteenth. (Thirteenth Infantry Regiment, old, three years' volunteers.)
Van Horn's Battalion, United States Reserve Corps, three years' service. (Also known as Kansas City Battalion, United States Reserve Corps.)
Western Sharpshooters. (Fourteenth Infantry Regiment, three years' volunteers.)
Western Turner Rifles. (Seventeenth Infantry Regiment, three years' volunteers.)
Zouaves. (Ninth Infantry Regiment, three years' volunteers.)

ENGINEERS.

First Regiment, three years' volunteers.
Engineer Regiment of the West, three years' volunteers. (Consolidated with the Twenty-fifth Infantry Regiment, three years' volunteers, to form the First Engineer Regiment, three years' volunteers.)

PIONEERS.

Voerster's Independent Company, three months' militia, 1861.

PIONEERS, SAPPERS AND MINERS.

Gerster's Company A, three years' volunteers. (Became Company H, Fifth Infantry Regiment, three years' volunteers.)

PONTONIERS.

Winklemaier's Company, three years' volunteers. (Became Company K, Fifth Infantry Regiment, three years' volunteers.)

SAPPERS AND MINERS.

Balz's Company, three years' volunteers.
Veith's Company, Missouri State Militia. (Became Company H, First Infantry Regiment, Missouri State Militia.)

SAPPERS, MINERS, AND PONTONIERS.

Voerster's Company, three years' volunteers. (Became Company I, Fifth Infantry Regiment, three years' volunteers.)

TELEGRAPH CORPS.

Smith's Company, three years' volunteers.

HOME GUARDS, 1861.

[Called into active service and paid through the agency of the Hawkins Taylor Commission.]

First Regiment, Northeast Missouri, consisting of 4 cavalry and 12 infantry companies.
First Regiment, United States Reserve Corps. (Also known as Union Home Guards, and Cole County Home Guards.)
Second Regiment, Northeast Missouri. (Also known as Knox County Home Guards.)
Fourteenth Battalion, Missouri Volunteers.
Fifteenth Battalion, United States Reserve Corps. (Also known as Polk County Home Guards.)
Adair County Company. (Shibley's Point Home Guards.)
Adair County Company, commanded by Capt. James E. Gordon.
Alexandria Home Guard Cavalry. (Company C, First Northeast Missouri Regiment.)
Benton County Battalion, commanded by Col. Henry Imhauser. (Also known as German Battalion.)
Boonville Battalion Reserve Corps, commanded by Maj. Joseph A. Eppstein.
Boonville Reserve Corps, Independent Company A, commanded by Capt. Joseph A. Eppstein.
Boonville Company, commanded by Capt. Frederick W. Becker.
Brookfield Company, commanded by Capt. Watson E. Crandall. (Also known as Independent Company A, Missouri Reserve Corps. See Linn County Company.)
Caldwell County Company, commanded by Capt. Moses L. James.
Caldwell County Company, commanded by Capt. Ed. D. Johnson.
Caldwell County Company (cavalry), commanded by Capt. Washington T. Fillson.
Caldwell County Independent Company, commanded by Capt. James R. Murphy. (Shoal Creek Rangers.)
Cape Girardeau County Battalion, commanded by Maj. George H. Cramer.
Cape Girardeau Battalion, commanded by Lieut. Col. Lindsay Murdoch. (Also known as Frémont Rangers Battalion.)
Carondelet Company, United States Reserve Corps, commanded by Capt. Henry Nagel. (Also known as United States Reserve Corps, Independent Company A; became Company F, Fifth Infantry Regiment, United States Reserve Corps, three years' service.)
Cass County Company, commanded by Capt. Aaron Thomas.
Christian County. (See Greene and Christian Counties organization.)
Clinton County Company, commanded by Capt. William A. Edgar.
Clinton County Company, commanded by Capt. Hugh L. W. Rogers.
Cole County Regiment, commanded by Col. Allen P. Richardson. (First United States Reserve Corps, Home Guards.)
Dade County Company, commanded by Capt. Theodore A. Switzler. (Also known as Frémont Rangers.)

Dallas County Battalion, commanded by Col. William B. Edwards.
De Soto Company, commanded by Capt. Allen Cook. (Also known as Jefferson County Company.)
Douglas County Company (cavalry), commanded by Capt. John S. Upshaw.
Franklin County Battalion, commanded by Maj. William C. Inks. (Pacific City Battalion.)
Franklin County Battalion, Reserve Corps, commanded by Col. James W. Owens.
Frémont Rangers, Independent Company, commanded by Capt. William J. Budd.
Frémont Rangers Battalion. (Cape Girardeau Battalion.)
Frémont Rangers. (Dade County Company.)
Gasconade County Battalion, commanded by Lieut. Col. Julius Hundhausen.
Gasconade County Battalion, commanded by Col. James A. Matthews.
Gentry County Battalion, commanded by Col. Manlove Cranor.
German Battalion. (Benton County Battalion.)
Greene County Company, commanded by Capt. Colley B. Holland.
Greene and Christian Counties organization, consisting of 14 companies, commanded by Col. John S. Phelps.
Harrison County Regiment, commanded by Col. Henry O. Nevill.
Hickory County Battalion, commanded by Maj. J. B. Hastain.
Jefferson County Company. (De Soto Company.)
Johnson County Regiment, commanded by Col. James D. Eads.[a]
Johnson County Company, commanded by Capt. John P. McCluney.
Knox County Regiment. (Second Regiment, Northeast Missouri Home Guards.)
Lawrence County Battalion, commanded by Col. James C. Martin.
Lawrence County Cavalry Company, commanded by Capt. Peter F. Clark.
Lawrence County Company. (Stone Prairie Company.)
Lexington County Company, commanded by Capt. Frederick R. Neet. (Company K, Fourteenth Battalion, Home Guards.)
Linn County Company, commanded by Capt. Robert McCollum.
Linn County Company. (Brookfield Company.)
Livingston County Company, commanded by Capt. Peter Sutliff.
Marion County organization, consisting of Company A, commanded by Capt. Joseph Loomis, and Company B, commanded by Capt. Louis Souther.[b]
Missouri Reserve Corps, Independent Company A. (Brookfield Company.)
Moniteau County Company, commanded by Capt. John F. Pothoff.
Nodaway County Battalion, commanded by Col. William J. W. Bickett.
Osage County Battalion, commanded by Maj. Chesley Glover.
Osage County Company B, Independent, commanded by Capt. John B. Cooper.

[a] Only the field and staff of this regiment were paid by the Hawkins Taylor Commission. The regiment became the Twenty-seventh Mounted Infantry, three years' volunteers.

[b] It appears that there were four companies organized under the command of Maj. Josiah Hunt, but only Companies A and B were paid by the Hawkins Taylor Commission. Companies C and D became Companies D and C, respectively, of the Twenty-second Infantry Battalion, three years' volunteers.

Osage and Hickory County organization, consisting of 17 companies, commanded by Col. Joseph W. McClurg.
Ozark County Company, commanded by Capt. W. F. Martindale.
Ozark County Company, United States Reserve Corps Cavalry, commanded by Capt. Thomas B. S. Stone. (Also known as United States Reserve Corps, Company A, Ozark County.)
Pacific City Battalion. (See Franklin County Battalion.)
Pettis County Company, commanded by Capt. William H. Burke.
Pettis County Company, commanded by Capt. John P. Thatcher.
Pettis County Detachment, Company A, commanded by Capt. Samuel Montgomery.
Phelps County Company, commanded by Capt. William Wenzel.
Phelps County Company, commanded by Capt. John W. Bennight.
Pike County Battalion, commanded by Col. George W. Anderson.
Pilot Knob Company, commanded by Capt. Ferdinand Schmitz.
Polk County Battalion. (Fifteenth United States Reserve Corps.)
Potosi County Company, commanded by Capt. George R. French.
Putnam County Company, commanded by Capt. James G. Gyles.
Putnam County Company, commanded by Capt. Hugh Roberts.
Putnam County Company, commanded by Capt. William H. Bogle.
Putnam County Company, commanded by Capt. Sylvester S. Collins.
Putnam County Company. (Shawneetown Company.)
Schuyler County Company, commanded by Capt. William H. Bolander.
Scott County Battalion, United States Reserve Corps, commanded by Maj. Daniel Abbey.
Scouts and Guides, Independent Company, commanded by Capt. William J. Budd.[a]
Shawneetown Company, commanded by Capt. James Ewing. (See Putnam County Company.)
Shelby County Company, United States Reserve Corps, commanded by Capt. Joseph H. Forman.
Shibley's Point Company, commanded by Capt. Jacob R. Cook. (See Adair County Company.)
Shoal Creek Rangers, commanded by Capt. James R. Murphy. (See Caldwell County Independent Company.)
Spies, Scouts, and Messengers, Independent Company, commanded by Capt. John M. Richardson.[a]
St. Charles County Regiment, commanded by Col. Arnold Krekel.
Stone County Battalion, commanded by Col. Asa G. Smith.
Stone County Company, Independent, commanded by Capt. James M. Moore.
Stone Prairie Company, commanded by Capt. John Sexton. (Also known as Lawrence County Company.)
Sullivan County Company, commanded by Capt. Victor Doze.
Sullivan County Company, commanded by Capt. James W. Cooper.
Sullivan County Company, commanded by Capt. William S. Meals.
Sullivan County Company, commanded by Capt. Aaron P. Connaughty.
Union Home Guards. (First United States Reserve Corps.)
United States Reserve Corps, Independent Company A. (Carondelet Company.)
United States Reserve Corps Cavalry, Company A, Ozark County. (Ozark County Company.)
Webster County Battalion, commanded by Col. Noah H. Hampton.

[a] Though not Home Guards, this company was paid on the report of the Hawkins Taylor Commission.

LIST OF MISSOURI ORGANIZATIONS OF MILITIA, CITIZEN GUARDS, AND MARINE CORPS NOT IN THE MILITARY SERVICE OF THE UNITED STATES.[a]

SIX MONTHS' MILITIA.[b]

First Battalion (Albin's).
Second Battalion (Cox's).
Third Regiment (Dallmeyer's).
Third Battalion (Joseph's).
Fourth Regiment (Simpson's).
Fourth Battalion (Thompson's).
Fifth Regiment (Fagg's).
Sixth Regiment (Cranor's).
Sixth Battalion (Burris's).
Seventh Battalion (Harrison County).
Albin's Battalion. (Also known as First Battalion.)
Brewer's Independent Company. (Attached to Simpson's Regiment.)
Burris's Battalion. (Also known as Sixth Battalion.)
Castleman's Independent Company. (Attached to Washington County Battalion.)
Cox's Battalion. (Also known as Second Battalion.)
Cochran's Independent Company C.
Cranor's Regiment. (Also known as Sixth Regiment.)
Dallmeyer's Regiment. (Also known as Third Regiment.)
Fagg's Regiment. (Also known as Fifth Regiment.)
Fenwick's Independent Company. (Attached to Simpson's Regiment.)
Grundy County Battalion, commanded by Lieut. Col. Walter King.
Harrison County Battalion, commanded by Maj. J. W. Caseboth. (Also known as Seventh Battalion.)
James's Battalion.
Joseph's Battalion. (Also known as Third Battalion.)
Kimball's Regiment.
Leg's Independent Company.
Man's Independent Company.

[a] This list was compiled from the official reports of the adjutant-general of the State of Missouri, the records of the War Department, and the rolls filed in the office of the Auditor for the War Department upon which the State was reimbursed for expenses incurred in the organization and maintenance of its militia. Although based upon such data as are accessible to the War Department, it is possible that it does not include some organizations that were in the State service, and it is known that it does not include some organizations of Citizen and Home Guards which were not recognized either as militia of the State or as in the service of the United States. The records of these organizations are very meager, especially of those formed in 1861 which were not paid through the agency of the Hawkins Taylor Commission.

[b] The rolls upon which the State was reimbursed for expenses incurred are filed in the office of the Auditor for the War Department.

Mercer County Battalion, commanded by Lieut. Col. James J. Clark.
Murdock's Independent Company.
Rice's Independent Company, Light Artillery. (Attached to Fagg's Regiment.)
Richardson's Battalion.
Simpson's Regiment. (Also known as Fourth Regiment.)
Thompson's Battalion. (Also known as Fourth Battalion.)
Turley's Independent Company.
Washington County Battalion, commanded by Lieut. Col. F. B. Elmer.
Wayne County Cavalry Company, commanded by Capt. P. L. Powers.

ENROLLED MISSOURI MILITIA.[a]

First Regiment.[b]
First St. Louis County Cavalry Battalion.
Second to Thirteenth Regiment, inclusive.
Sixteenth and Seventeenth regiments.
Nineteenth and Twentieth regiments.
Twenty-second to Twenty-fourth Regiment, inclusive.
Twenty-fifth Regiment, including an attached battalion of 3 additional companies.
Twenty-sixth Regiment.
Twenty-seventh Regiment, including an additional attached company.
Twenty-eighth Regiment, including an attached battalion of 2 additional companies.
Twenty-ninth to Thirty-ninth Regiment, inclusive.
Fortieth Regiment, including an attached battalion of 3 additional companies.
Forty-first and Forty-second regiments.
Forty-third Regiment, including an attached battalion of 2 additional companies.
Forty-fourth Regiment, including an attached battalion of 2 additional companies.
Forty-fifth to Fifty-ninth Regiment, inclusive.
Sixtieth Regiment, including an attached battalion of 2 additional companies.
Sixty-first and Sixty-second regiments.
Sixty-third Regiment, including an additional attached company.[c]
Sixty-fourth Regiment, including an attached battalion of 2 additional companies.
Sixty-fifth to Sixty-eighth Regiment, inclusive.
Sixty-ninth Regiment, including an attached battalion of 2 additional companies.
Seventieth Regiment.
Seventy-first Regiment, including an attached battalion of 5 additional companies.
Seventy-second and Seventy-third regiments.
Seventy-fourth Regiment, including an attached battalion of 2 additional companies.
Seventy-fifth to Eighty-ninth Regiment, inclusive.

[a] The rolls upon which the State was reimbursed for expenses incurred are filed in the office of the Auditor for the War Department.

[b] Three companies of the First Regiment were mustered into the United States service in 1864 for thirty days.

[c] Four companies of the Sixty-third Regiment were mustered into the United States service in 1864 for thirty days.

Allensville Company (unattached), commanded by Capt. David Fouts.
Andrew County Battalion (name of battalion commander not ascertained).
Bollinger County Company (unattached), commanded by Capt. John R. Cochran.
Bollinger County Company (unattached), commanded by Capt. James Johnson.
Bollinger County Company (unattached), commanded by Capt. George W. Reynold.
Bollinger County Company (unattached), commanded by Capt. James Rogers.
Buchanan County Company (unattached), commanded by Capt. G. E. Landry.
Buchanan County Company (unattached), commanded by Capt. William Randall.
Callaway County Company (unattached), commanded by Capt. Hiram Cornell.
Callaway County Company (unattached), originally commanded by Capt. William T. Snell, subsequently by Capt. Isaac T. Snedecor.
Cass County Company (unattached), commanded by Capt. Alexander Robinson.
Clay County Company (unattached), commanded by Capt. John W. Younger.
Howard County Battalion, commanded by Maj. Benjamin Reeves.
Independence Company A, Home Guards, commanded by Capt. Peter Hinter.
Independence Company A, Citizen Home Guards, commanded by Capt. Peter Hinter.
Independence Company B, Citizen Home Guards, commanded by Capt. Francis Little.
Independence Company, commanded by First Lieut. William N. O. Monroe. (Also known as Wayne City Independent Company.)
Iron County Company (unattached), commanded by Capt. Joseph Wilson.
Iron Mountain Railroad Company (unattached), commanded by Capt. John Buchanan.
Iron Mountain Railroad Company (unattached), commanded by Capt. Phineas J. Warren.
Maries County Company (unattached), commanded by Capt. John M. Beezley.
Maries County Company (unattached), commanded by Capt. V. G. Latham.
Meramec Iron Works Company, commanded by Lieut. Thomas J. Griffith. (Attached to Sixty-third Regiment.)
Mississippi County Battalion, commanded by Col. Henry J. Deal. (Consolidated with the Seventy-ninth Regiment.)
Mississippi County Company (unattached), commanded by Capt. Edwin P. Diehl. (Became Company A, Seventy-ninth Regiment.)
Mississippi County Company (unattached), commanded by Capt. L. W. Pritchett. (Became Company B, Seventy-ninth Regiment.)
Montgomery's Company (unattached).
New Madrid County Company (unattached), commanded by Capt. H. A. Applegate.
New Madrid County Company (unattached), commanded by Capt. Samuel Coleman.

Pike County Battalion (name of battalion commander not ascertained).
Platte County Company Railroad Guards (unattached), commanded by Capt. John S. Kellogg.
Randolph County Company (unattached), commanded by Capt. John A. Hix.
Randolph County Company (unattached), commanded by Capt. Silas Rice.
Ravenna Battalion, commanded by Capt. John O. Williams. (Attached to Forty-fourth Regiment).
St. Louis County Company (unattached), City Post Band, commanded by Capt. Frank Boehm.
St. Louis County Company (unattached), Corps of Detectives, commanded by Capt. George Deagle.
St. Louis County Company (unattached), Old Guard, commanded by Capt. N. H. Clark.
St. Louis County Company (unattached), cavalry, commanded by Capt. Frederick Walter.
St. Louis Police Battalion, commanded by Maj. J. E. D. Couzens.
Scott County Company (unattached), commanded by Capt. James T. Anderson.
Scott County Company (unattached), commanded by Capt. William W. Campbell.
Scott County Company (unattached), commanded by Capt. Samuel Tanner.
Wayne City Independent Company, Independence Company, commanded by First Lieut. William N. O. Monroe.

PROVISIONAL ENROLLED MISSOURI MILITIA.[a]

[Organized under authority of the governor of the State, dated February 3, 1863.]

First to Eleventh Regiment, inclusive.[b]
Company D, Twenty-sixth Regiment.

PROVISIONAL ENROLLED MILITIA.

[Organized under General Orders, No. 107, headquarters Department of the Missouri, dated June 28, 1864.][a]

Anderson's Company.
Babcoke's Company.
Baker's Company.
Baskins's Company.
Beden's Company.
Bingham's Company.
Bollinger's Company.
Boyd's Company.
Bray's Company.
Brown's Company.
Carrothers's Company.
Castor's Company.
Dawson's Company (originally McCaslen's).
Day's Company.
Dietrich's Company.

[a] The rolls upon which the State was reimbursed for expenses incurred are filed in the office of the Auditor for the War Department.

[b] The Sixth and Seventh regiments were mustered into the service of the United States for the period of twenty months, and became the Sixteenth and Fifteenth regiments, Missouri Cavalry, respectively.

Ferguson's Company.
Filson's Company.
Fink's Company.
Foster's Company.
Frazer's Company.
Gaddy's Company.
Garth's Company.
Gatzweller's Company.
Green's Company.
Hale's Company.
Harris's Company, commanded by Capt. A. J. Harris.
Harris's Company, commanded by Capt. John A. Harris.
Hart's Company.
Hartwig's Company (artillery).
Holland's Company.
Hoover's Company.
Hume's Company.
Johnson's Company, commanded by Capt. Abraham Johnson.
Johnson's Company, commanded by Capt. Henry D. Johnson.
Kendrick's Company.
Legg's Company.
Lennon's Company.
Long's Company.
Mace's Company.
McCaslen's Company (finally Dawson's).
McNeill's Company.
McNutt's Company.
Major's Company.
Mason's Company.
Mayo's Company.
Miller's Company.
Morehouse's Company.
Morris's Company.
Newman's Company.
Palmer's Company.
Parpam's Company.
Pinger's Company.
Pwiehaus's Company.
Rallston's Company.
Real's Company.
Renshaw's Company.
Schelsky's Company.
Shoemaker's Company.
Spickard's Company.
Steines's Company.
Wehde's Company.
Winters's Company.

MISSOURI MILITIA.[a]

[Organized under General Orders, No. 3, headquarters State of Missouri, dated January 30, 1865.]

Audrain County Company, commanded by First Lieut. John L. Mitchell.
Babcoke's Company.

[a] The rolls upon which the State was reimbursed for expenses incurred are filed in the office of the Auditor for the War Department.

Bates County Company, commanded by First Lieut. John Atkinson.
Benton County Company, commanded by First Lieut. John Cosgrove.
Bollinger County Company, commanded by Capt. John R. Cochran.
Boone County Company, commanded by Capt. Henry N. Cook.
Boone County Platoon, commanded by First Lieut. D. P. J. Dozier.
Bridges North Missouri Railroad Company, commanded by Capt. Luman W. Story.
Callaway County Company, commanded by First Lieut. William H. Thomas.
Camden County Company, commanded by Capt. Henry G. Bollinger.
Cape Girardeau County Company, commanded by Capt. Ezra King.
Carroll and Livingston Counties Company, commanded by First Lieut. Daniel Hoover.
Cass County Company, commanded by First Lieut. Joseph Burk.
Chariton County Company, commanded by Capt. Peter R. Dolman.
Christian County Company, commanded by First Lieut. T. J. Gideon.
Clay County Company, commanded by Capt. Robert McMillan.
Clay and Clinton Counties Company, commanded by Capt. John W. Younger.
Cooper County Company, commanded by Capt. George Miller.
Cooper and Moniteau Counties Company, commanded by Capt. John B. Calhoun.
Crawford County Company, commanded by Capt. N. G. Clark.
Dent County Company, commanded by Capt. G. A. Kenamore.
Dunklin County Company, commanded by First Lieut. William L. White.
Henry and Bates Counties Company, commanded by Capt. William Weaver.
Howard County Company, commanded by Capt. William R. Forbes.
Howard County Company, commanded by Capt. Warren W. Harris.
Jackson County Company, commanded by Capt. William S. Smith.
Jasper County Company, commanded by First Lieut. Lyman J. Burch.
Johnson County Company, commanded by Capt. William E. Chester.
La Fayette County Company, commanded by First Lieut. R. W. P. Mooney.
Lincoln County Company, commanded by Capt. John M. Reed.
Linn County Company, commanded by First Lieut. B. F. Carter.
Linn County Company, commanded by Capt. Rice Morris.
Livingston County Company, commanded by First Lieut. A. J. Boucher.
Macon County Company, commanded by First Lieut. Robert Davis.
Miller County Company, commanded by Capt. John B. Salsman.
Mississippi County Company, commanded by Capt. John A. Rice.
Montgomery and Warren Counties Company, commanded by Capt. S. W. Hopkins.
Morgan County Company, commanded by Capt. R. P. Ruley.
Newton County Company, commanded by First Lieut. Samuel Achord.
Osage and Maries Counties Company, commanded by Capt. James M. Dennis.
Ozark and Douglas Counties Company, commanded by Capt. Charles K. Ford.
Pacific Railroad Company, commanded by Capt. H. P. Dow.
Perry County Company, commanded by Capt. Hiram Minor.

Pettis County Company, commanded by Capt. H. C. Donnohue.
Pike County Company, commanded by Capt. William Kerr.
Platte County Company, commanded by First Lieut. Franklin Luthey.
Pulaski and Texas Counties Company, commanded by Capt. Richard Murphy.
Ralls, Monroe, and Marion Counties Company, commanded by First Lieut. Henry C. Gentry.
Randolph County Company, commanded by Capt. Alexander Denny.
Randolph County Company, commanded by Capt. Charles F. Mayo.
Ray and Caldwell Counties Company, commanded by Capt. Clayton Tiffin.
St. Clair County Company, commanded by Capt. Benjamin F. Cook.
St. François County Company, commanded by First Lieut. F. A. Millert.
Ste. Genevieve County Company, commanded by First Lieut. David Flood.
Saline County Company, commanded by Capt. John S. Crain.
Southwest Branch Pacific Railroad Company, commanded by Capt. Thomas Thomas.
Stoddard County Company, commanded by First Lieut. Louis M. Ringer.
Stoddard and Dunklin Counties Company, commanded by Capt. J. C. Thompson.
Stone County Company, commanded by Capt. Patrick C. Berry.
Taney County Company, commanded by Capt. William L. Fenex.
Wright County Company, commanded by Capt. Thomas K. Paul.

MISSOURI MILITIA.[a]

[Organized under the ordinance of the State Convention of April 8, 1865.]

First to Third Regiment, inclusive.
First to Third Battalion, inclusive.
Fourth and Fifth regiments.
Fifth Battalion.
Sixth Regiment.
Sixth Battalion.
Eighth to Eighty-fourth Regiment, inclusive.
Benton Barracks Battalion, commanded by Maj. John W. McHarg.
Clark County Company (unattached), commanded by Capt. D. A. Day.
Fletcher Guards Company (unattached), commanded by Capt. S. W. Hammack.
National Guard Regiment of St. Louis, commanded by Col. H. Kleinschmidt.

CITIZEN GUARDS.[b]

First Regiment, Militia Exempts.
First Battalion, Militia Exempts.

[a] Rolls of these organizations are doubtless filed in the office of the adjutant-general of the State. None are filed in the War Department or in the office of the Auditor for the War Department.

[b] The rolls of the few organizations of Citizen Guards mentioned in this list that were recognized and paid by the State, and for which the State was reimbursed by the United States, are filed in the office of the Auditor for the War Department, as are also those of the few companies (Hickman Mills Companies, Kansas City Station Guards and Westport Police Guards) that were paid through special legislation by Congress. Such rolls as are known to be in existence, of the organizations not paid either by the State or the United States, are filed in the War Department.

Second Regiment, Militia Exempts.
Second Battalion, Militia Exempts (colored).
Third Regiment, Militia Exempts.
Third Battalion, Militia Exempts (unorganized).
Fourth Regiment, Militia Exempts.
Fifth Regiment, Militia Exempts.
Allen's Company.
Asher's Company.
Baker's Company.
Baldwin's Company.
Bale's Company.
Beaty's Company (Carroll County Guards).
Beesley's Company.[a]
Berry's Company.
Berryman's Company.
Birchfield's Company.
Black's Company.
Bogard Guards (Wells's Company).
Brown's Company, commanded by Capt. James H. Brown.
Brown's Company, commanded by Capt. Josiah Brown.
Burkler's Company.
Calhoun Guards (Squire's Company).
Carroll County Guards (Beaty's Company).
Cayness's Company.
Cleveland's Company.
Cole's Company.
Copenhaver's Company.
Davis's Company.
Deegan's Company.
Derrick's Company.
Devinny's Company.
Dillon's Company.
Donnohue's Company.
Dorman's Company.
Eaton's Company.[a]
Ellis's Company.
Eneberg's Company.
Ewing's Company.
Fisher's Company.[b]
Foster's Company.
Freeman's Company.
Good's Company.
Gorrell's Company.
Gould's Company.
Grayson's Company.
Grover's Company.[b]
Harrison's Company.[a]
Harrisonville Company, commanded by Capt. Alexander Robinson.[c]
Harrisonville Company, commanded by Capt. Elias P. West.[d]

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[a] Organization not confirmed.

[b] There is official evidence that this company was in existence, but no rolls of the organization have been found.

[c] Recognized by State authorities as an independent company, Enrolled Missouri Militia.

[d] Recognized by State authorities as Company K, Seventy-seventh Enrolled Missouri Militia.

Hatton's Company.
Hays's Company.
Heismeir's Company.
Henderson's Company.
Hickman Mills Company, commanded by First Lieut. Jacob Axline.
Hickman Mills Company of Mounted Men, commanded by Capt. David Tate.
Hoge's Company.
Hollanbeck's Company.
Holt's Company.
Hudson's Company.
Independence Company A, Home Guard, Enrolled Missouri Militia, commanded by Capt. Peter Hinter.[a]
Independence Company A, Citizen Home Guards, commanded by Capt. Peter Hinter.[a]
Independence Company B, Citizen Home Guards, Missouri Militia, commanded by Capt. Francis Little.[a]
Independence Company, commanded by First Lieut. William N. O. Monroe. (Also known as Wayne City Independent Company.)[a]
Isrigg's Company.[b]
Jennings's Company, commanded by Capt. Jesse Jennings.
Jennings's Company, commanded by Capt. William Jennings.
Johnson's Company.
Jones's Company, commanded by Capt. Daniel S. Jones.
Jones's Company, commanded by Capt. James M. Jones.
Kansas City Guards (Militia), Company E, commanded by Capt. Peter Causey.
Kansas City Station Guards, Company A, commanded by Capt. Caleb A. Carpenter.
Kansas City Station Guards, Company A (Independent), commanded by Capt. Caleb A. Carpenter.
Kansas City Station Guards, Company B, Missouri State Militia, commanded by Capt. James Hickman.
Kansas City Station Guards, Company B, commanded by Capt. Rufus Montgall.
Kansas City Station Guards, Company C, commanded by Capt. Jesse P. Alexander.
Kansas City Station Guards, Company D, commanded by First Lieut. William J. Gault.
Kansas City Station Guards, Company D, commanded by Capt. B. F. Newgent.
Kansas City Station Guards, Company D, commanded by Capt. B. L. Riggins.
Kansas City Station Guards, Company E, commanded by Capt. William O. Shouse.
Key's Company.[b]
Kirby's Company.
Lower's Company.
McBride's Company.
McMahan's Company.
Mahnken's Company.
Martin's Company.

[a] Recognized by State authorities as an independent company, Enrolled Missouri Militia.
[b] Organization not confirmed.

Middleton's Company.[a]
Miller's Company, B, Jefferson City Citizens' Guard.
Mitchell's Company, commanded by Capt. E. G. Mitchell.
Mitchell's Company, commanded by Capt. William A. Mitchell.
Mizell's Company.
Morgan's Company.
Murray's Company, commanded by Capt. W. V. Murray.
Murray's Company, commanded by Capt. William W. Murray.
Norris's Company.
Parazett's Company.
Parker's Company.
Pitts's Company.
Pleasant Hill Company, commanded by Capt. Andrew Allen.[b]
Porter's Company.
Potter's Company, commanded by Capt. James M. Potter.
Potter's Company, commanded by Capt. Thomas P. Potter.
Preston's Company.
Price's Company.
Reeves's Company.[a]
Robinson's Company.
Samples's Company.
Seaton's Company.
Smith's Company.[a]
Sorrell's Company.
Squires's Company (Calhoun Guards).
Stark's Company.
Stemons's Company.
Taggart's Company.
Thompson's Company.
Tinken's Company.
Turner's Company.
Tutt's Company.
Tyre's Company.[a]
Walde's Company.
Wall's Company.
Ward's Company.
Wear's Company.
Wehde's Company.
Wells's Company (Bogard Guards).
Westport Police Guard, commanded by Capt. William A. Bevis.
Whelchel's Company.
Whitaker's Company.
Williams's Company.
Yancy's Company.
Zeiler's Company.

MARINE CORPS.[c]

First to Third Company, inclusive.

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[a] Organization not confirmed.

[b] Recognized by State authorities as Company I, Seventy-seventh Enrolled Missouri Militia.

[c] The rolls of the Marine Corps are filed in the War Department, but the rolls upon which payment was made by the Quartermaster's Department are filed in the office of the Auditor for the War Department.

CONFEDERATE ORGANIZATIONS.

INTRODUCTORY REMARKS.

In order that the status of the Missouri troops in the service of the State and of the Confederate States during the civil war may be fully understood, it appears to be necessary to advert to the political relations of the State as maintained by the State government in affiliation with the Confederate States as distinguished from the government that represented the State as a member of the Federal Union.

That the State legislature in existence at the outbreak of hostilities was opposed to the coercion of the seceding States is shown by joint resolutions adopted at its regular session in February, 1861, in which it was declared to be the opinion of the general assembly that in the event of the invasion of the slave States the people of Missouri would instantly rally in defense of their Southern brethren. Following is a copy of the resolutions:

JOINT RESOLUTION ON THE SUBJECT OF COERCION.

Whereas, we have learned, with profound regret, that the States of New York and Ohio have recently tendered men and money to the President of the United States for the avowed purpose of coercing certain sovereign States of the South which have seceded, or may secede, from the Federal Union, into obedience to the Federal Government: Therefore,

Resolved by the House of Representatives, the Senate concurring therein, That we regard with the utmost abhorrence the doctrine of coercion as indicated by the action of the States aforesaid, believing that the same would result in civil war, and forever destroy any hope of reconstructing the Federal Union. So believing, we deem it our duty to declare that if there is any invasion of the slave States for the purpose of carrying such doctrine into effect, it is the opinion of this general assembly that the people of Missouri will instantly rally on the side of their Southern brethren, to resist the invaders at all hazards and to the last extremity.

Resolved, That the governor of the State be requested to transmit to the governors of New York and Ohio the above resolutions.

Approved, February 21, 1861.

[Laws of the State of Missouri, Regular Session, Twenty-first General Assembly, p. 773.]

In a proclamation dated June 12, 1861, calling the militia into the active service of the State for the purpose of repelling invasion, and for other purposes, Governor Jackson said of the political relations of the State:

In issuing this proclamation I hold it to be my solemn duty to remind you that Missouri is still one of the United States; that the executive department of the State government does not arrogate to itself the power to disturb that relation; that that power has been wisely vested in a convention, which will at the proper time express your sovereign will, and that meanwhile it is your duty to obey all the constitutional requirements of the Federal Government; but it is equally my duty to advise you that your first allegiance is due to your own State, and that you are under no obligation whatever to obey the unconstitutional edicts of the military despotism which has enthroned itself at Washington, nor to submit to the infamous and degrading sway of its wicked minions in this State.

[Official Records of the Union and Confederate Armies, Series I, Vol. LIII, p. 698.]

On August 8, 1861, writing from Memphis, Tenn., to Hon. E. C. Cabell, Governor Jackson referred to a "declaration of independence"

issued by him on the 5th of August (Official Records of the Union and Confederate Armies, Series I, Vol. III, p. 639). No official record of this proclamation has been discovered, but it is published in Moore's "Rebellion Record;" and as it gives at length the views of the governor as to the political status of the State and his reasons and authority for declaring it a "sovereign, free, and independent republic," with full power to levy war, contract alliances, and "do all other acts and things which independent States may of right do," it is here quoted in full:

In the exercise of the right reserved to the people of Missouri by the treaty under which the United States acquired the temporary dominion of the country west of the Mississippi River, in trust for the several sovereign States afterwards to be formed out of it, that people did, on the twelfth day of June, one thousand eight hundred and twenty, "mutually agree to form and establish a free and independent republic by the name of the State of Missouri." On the tenth day of August, eighteen hundred and twenty-one, the State was duly admitted into the Union of the United States of America, under the compact called the Constitution of the United States, and "on equal footing with the original States in all respects whatever." The freedom, independence, and sovereignty of Missouri, and her equality with the other States of the Union, were thus guaranteed not only by that Constitution, but by the laws of nations requiring the sacred observance of treaties.

In repeated instances the Government and people of the States now remaining in that Union have grossly violated, in their conduct toward the people and State of Missouri, both the Constitution of the United States and that of Missouri, as well as the general, great, and essential principles of liberty and free government. Their President, Abraham Lincoln, in avowed defiance of law and the Constitution of the United States, and under the tyrant's plea of necessity, has assumed to regulate commerce with foreign nations and among the several States, stopping by violence our trade with our Southern neighbors, and depriving our citizens of the right secured to them by a special solemn compact with the United States to the free navigation of the Mississippi River. He has usurped powers granted exclusively to Congress in declaring war against the Confederate States; to carry on this unholy attempt to reduce a free people into slavish subjection to him he has, in violation of the Constitution, raised and supported armies and provided and maintained a Navy.

Regardless of the right reserved to the States, respectively, of training the militia and appointing its officers, he has enlisted and armed, contrary to law, under the name of Home Guards, whole regiments of men, foreigners and others, in our State to defy the constitutional authorities and plunder and murder our citizens. By armed force and actual bloodshed he has even attempted to deprive the people of their right to keep and bear arms, in conformity to the State laws, and to form a well-regulated militia necessary to the security of a free State. With his sanction his soldiers have been quartered in houses without the consent of the owners thereof and without any authority of law. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures has been habitually and grossly violated by his officers acting under his orders. He has utterly ignored the binding force of our constitutional State laws, and carried his insolence to such an extent as to introduce from other States free negroes into our midst, and place them in positions of authority over our white citizens.

He has encouraged the stealing of our slave property. In these and other proceedings the Government and people of the Northern States have unmistakably shown their intention to overturn the social institutions of Missouri and reduce her white citizens to an equality with the blacks. In the execution of his despotic wishes his agents, without even rebuke from him, have exhibited a brutality scarcely credible of a nation pretending to civilization. Even women and children of tender age have fallen victims to the unbridled license of his unfeeling soldiery. He has avowedly undertaken to make the civil power subordinate to the military; and with the despicable and cowardly design of thus protecting himself and his accomplices, by binding the consciences of the unhappy victims of his tyranny, he has exacted from peaceful citizens, guilty of no crime, an oath to support his detestable Government. To crush out even peaceful and lawful opposition to it, he has forcibly and unconstitutionally suspended the privilege of the writ of habeas corpus, and abridged the freedom of speech and of the press by subjecting innocent citizens to punishment for mere opinion's sake, and by preventing the publication of newspapers independent enough to expose his treason to liberty.

These manifold and inhuman wrongs were long submitted to in patience and almost in humility by the people of Missouri and their authorities. Even when the conduct of the Lincoln Government had culminated in an open war upon us those authorities offered to its military commander in Missouri to refer to the people of the State for

decision of the question of our separation from a Government and nation thus openly hostile to us. Those authorities relied on the principles consecrated in the Declaration of Independence of the United States that to secure the rights of citizens "governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness." Missouri having an admitted equality with the original States which had made this declaration, it was hoped that the rights therein asserted would not be denied to her people.

Her authorities also relied on the clause in the very constitution with which she was admitted into the Union, asserting as one of the general, great, and essential principles of liberty and free government "that the people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their constitution and form of government whenever it may be necessary to their safety and happiness." But this military commander haughtily refused the consent of his Government to the exercise by us of these rights, which our ancestors in the last century endured an eight years' war to vindicate. He but expressed, however, the deliberate purpose of his masters at Washington, and the people over which they rule, for his predecessor at St. Louis had, a few weeks before, formally proclaimed to our people that our equality with the other States would be ignored; that we should be held in subjection to the North, even though the independence of our Southern sister States might be acknowledged; that, to use his own words, "whatever may be the termination of the unfortunate condition of things in respect to the so-called cotton States, Missouri must share the destiny of the Union;" that the free will of her people shall not decide her future, but that "the whole power of the Government of the United States, if necessary, will be exerted to maintain Missouri in the Union" in subjection to the tyranny of the North.

The acts of President Lincoln have been indorsed by the Congress and people of the Northern States, and the war thus commenced by him has been made the act of the Government and nation over which he rules. They have not only adopted this war, but they have gone to the extreme of inciting portions of our people to revolt against the State authorities; by intimidation they have obtained control of the remnant left of a convention deriving its powers from those authorities, and, using it as a tool, they have through it set up an insurrectionary government in open rebellion against the State. No alternative is left us; we must draw the sword and defend our sacred rights.

By the recognized universal public law of all the earth war dissolves all political compacts. Our forefathers gave as one of their grounds for asserting their independence that the King of Great Britain had "abdicated government here by declaring us out of his protection and waging war upon us." The people and Government of the Northern States of the late Union have acted in the same manner toward Missouri, and have dissolved by war the connection heretofore existing between her and them.

The general assembly of Missouri, the recognized political department of her government, by an act approved May 10, 1861, entitled "An act to authorize the governor of the State of Missouri to suppress rebellion and repel invasion," has vested in the governor, in respect to the rebellion and invasion now carried on in Missouri by the Government and people of the Northern States and their allies, the authority "to take such measures as in his judgment he may deem necessary or proper to repel such invasion or put down such rebellion."

Now, therefore, by virtue of the authority in me vested by said act, I, Claiborne F. Jackson, governor of the State of Missouri, appealing to the Supreme Judge of the world for the rectitude of my intentions, and firmly believing that I am herein carrying into effect the will of the people of Missouri, do hereby, in their name, by their authority, and on their behalf, and subject at all times to their free and unbiased control, make and publish this provisional declaration, that by the acts, and people, and Government of the United States of America, the political connection heretofore existing between said States and the people and government of Missouri is, and ought to be, totally dissolved; and that the State of Missouri, as a sovereign, free, and independent republic, has full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent States may of right do.

Published and declared at New Madrid, Missouri, this fifth day of August, in the year of our Lord eighteen hundred and sixty-one.

CLAIBORNE F. JACKSON, *Governor of Missouri.*

[Moore's Rebellion Record, Vol. II, Docs., pp. 479–481.]

A provisional declaration to the same effect was issued by Lieutenant-Governor Reynolds on the 31st of July, 1861, which it is not deemed necessary here to record.

By an act of the Confederate Congress approved August 20, 1861, provision was made for aiding the State of Missouri in repelling invasion by the United States and to authorize the admission of the State as a member of the Confederate States of America. The act also provided for an alliance, offensive and defensive, between the Confederate States and the State of Missouri, as a preliminary to the admission of the State as a member of the Confederacy. That portion of the act relating to admission and the proposed alliance is here quoted:

AN ACT to aid the State of Missouri in repelling invasion by the United States, and to authorize the admission of said State as a member of the Confederate States of America, and for other purposes.

* * * * * * *

SEC. 2. That the State of Missouri shall be admitted a member of the Confederate States of America, upon an equal footing with the other States, under the constitution for the provisional government of the same, upon the condition that the said constitution for the provisional government of the Confederate States shall be adopted and ratified by the properly and legally constituted authorities of said State; and the governor of said State shall transmit to the President of the Confederate States an authentic copy of the proceedings touching said adoption and ratification by said State of said provisional constitution; upon the receipt whereof the President, by proclamation, shall announce the fact; whereupon and without any further proceedings upon the part of Congress the admission of said State of Missouri into this confederacy under said constitution for the provisional government of the Confederate States shall be considered as complete; and the laws of this Confederacy shall be thereby extended over said State of Missouri as fully and completely as over other States now composing the same.

SEC. 3. That the Congress of the Confederate States recognize the government of which Claiborne F. Jackson is the chief magistrate to be the legally elected and regularly constituted government of the people and State of Missouri, and that the President of the Confederate States be, and he is hereby, empowered, at his discretion, at any time prior to the admission of said State as a member of this Confederacy, to perfect and proclaim an alliance, offensive and defensive, with the said government, limited to the period of the existing war between this Confederacy and the United States, the said treaty or alliance to be in force from the date thereof and until the same shall be disaffirmed or rejected by this Congress.

Approved, August 20, 1861.

[Official Records of the Union and Confederate Armies, Series IV, Vol. I, p. 576.]

Following this enactment, on September 26, 1861, Governor Jackson appointed Edward Carrington Cabell and Thomas L. Snead commissioners on the part of the State of Missouri to enter into a treaty of alliance, offensive and defensive, with the Government of the Confederate States. Following is a copy of the appointment:

EXECUTIVE DEPARTMENT, *State of Missouri:*

Know all men by these presents, that I, Claiborne F. Jackson, governor of the State of Missouri, do hereby nominate, constitute, and appoint Edward Carrington Cabell and Thomas L. Snead commissioners on the part of the State of Missouri, to negotiate, enter into, perfect, and make a treaty of alliance, offensive and defensive, with the Government of the Confederate States of America, limited to the existing war between said Confederacy and the United States, which said treaty of alliance shall be in force from the date thereof and until the same shall be disaffirmed or anulled by the parties thereto, hereby giving to the said commissioners, or to either of them, if the other shall from any cause be unable to act, full and complete powers in the premises, and hereby ratifying and confirming all that they may do in the execution of the above-granted powers.

In testimony whereof I have hereunto set my name and caused to be affixed the great seal of the State of Missouri.

Done this 26th day of September, A. D. 1861, and of the independence of the State of Missouri the forty-first, at Lexington, in said State.

C. F. JACKSON.

By the Governor:

B. F. MASSEY, *Secretary of State.*

[Ibid., Series I, Vol. LIII, p. 751.]

Pursuant to the provisions of the act of the Confederate Congress, quoted above, a convention was entered into between the Confederate States and the State of Missouri October 31, 1861, as follows:

CONVENTION between the Confederate States of America and the State of Missouri.

Whereas, it is the common desire of the Confederate States of America and the State of Missouri that said State should become a member of the Confederacy; and

Whereas, the accomplishment of their purpose is now prevented by an armed invasion of the territory of said State by the United States; and

Whereas, the interests of both demand that they should make common cause in the war waged by the United States against the liberties of both:

Now, therefore, for these most desirable objects the president of the Confederate States of America has conferred full powers on R. M. T. Hunter, their secretary of state, and the executive power of the State of Missouri on Edward Carrington Cabell and Thomas L. Snead, who, after having exchanged their said full powers in due and proper form, have agreed to the following articles:

ARTICLE I. The State of Missouri shall be admitted into said Confederacy on an equal footing with the other States composing the same on the fulfillment of the conditions set forth in the second section of the act of congress of the Confederate States entitled "An act to aid the State of Missouri in repelling invasion by the United States, and to authorize the admission of said State as a member of the Confederate States of America, and for other purposes," approved August 20, 1861.

ART. II. Until said State of Missouri shall become a member of said Confederacy the whole military force, material of war, and military operations, offensive and defensive, of said State shall be under the chief control and direction of the president of the Confederate States, upon the same basis, principles, and footing as if said State were now and during the interval a member of said Confederacy, the said force, together with that of the Confederate States, to be employed for their common defense.

ART. III. The State of Missouri will, whenever she becomes a member of said Confederacy, turn over to said Confederate States all the public property, naval stores, and munitions of war of which she may then be in possession acquired from the United States (excepting the public lands) on the same terms and in the same manner as the other States of said Confederacy have done in like cases.

ART. IV. All expenditures for the prosecution of the existing war incurred by the State of Missouri from and after the date of the signing of this convention shall be met and provided for by the Confederate States.

ART. V. The alliance hereby made between the said Confederate States and the State of Missouri shall be offensive and defensive, and shall be and remain in force during the continuance of the existing war with the United States, or until superseded by the admission of said State into the Confederacy, and shall take effect from the date thereof, according to the provisions of the third section of the aforesaid act approved August 20, 1861.

In faith whereof we, the commissioners of the Confederate States of America and of the State of Missouri, have signed and sealed these presents.

Done in duplicate at the city of Richmond on the 31st day of October, A. D. 1861.

R. M. T. HUNTER.
E. C. CABELL.
THOMAS L. SNEAD.

[Ibid., p. 753.]

On the date of the signing of this convention the general assembly of the State of Missouri passed an act declaring a dissolution of the political ties previously existing between the State of Missouri and the United States of America. Following is a copy of the act:

AN ACT declaring the political ties heretofore existing between the State of Missouri and the United States of America dissolved.

Whereas, the Government of the United States, in the possession and under the control of a sectional party, has wantonly violated the compact originally made between said Government and the State of Missouri by invading with hostile armies the soil of the State, attacking and making prisoners the militia whilst legally assembled under the State laws, forcibly occupying the State capitol and attempting through the instrumentality of domestic traitors to usurp the government, seizing and destroying private property, and murdering with fiendish malignity peaceable

citizens, men, women, and children, together with other acts of atrocity, indicating a deep-settled hostility toward the people of Missouri and their institutions; and

Whereas, the present Administration of the Government of the United States has utterly ignored the Constitution, subverted the Government as constructed and intended by its makers, and established a despotic and arbitrary power instead thereof: Now, therefore,

Be it enacted by the general assembly of the State of Missouri, That all political ties of every character now existing between the Government of the United States of America and the people and government of the State of Missouri are hereby dissolved, and the State of Missouri, resuming the sovereignty granted by compact to the said United States upon the admission of said State into the Federal Union, does again take its place as a free and independent republic amongst the nations of the earth.

This act to take effect and be in force from and after its passage.

Approved, October 31, 1861.

I hereby certify the above and foregoing to be a full, true, and perfect copy of the original roll.

In testimony whereof I have hereto set my hand and the great seal of the State of Missouri this 2d day of November, 1861.

B. F. Massey, *Secretary of State.*

[Ibid., p. 752.]

By another act of the same date the general assembly of the State took a preliminary step toward full political union with the Confederate States by ratifying the Constitution of the provisional government, as required by the act of August 20, 1861. The act of the assembly is as follows:

AN ACT ratifying the Constitution of the provisional government of the Confederate States of America.

Whereas, the Congress of the Confederate States of America have, by an act entitled "An act to aid the State of Missouri in repelling invasion by the United States, and to authorize the admission of said State as a member of the Confederate States of America, and for other purposes," enacted that "the State of Missouri shall be admitted a member of the Confederate States of America upon an equal footing with the other States under the constitution for the provisional government of the same, upon condition that the said constitution for the provisional government of the Confederate States shall be adopted and ratified by the properly and legally constituted authorities of said State:" Now, therefore,

Be it enacted by the general assembly of the State of Missouri as follows: The general assembly of the State of Missouri, for and in behalf of the people thereof, do hereby accept the provisions of an act of the Congress of the Confederate States of America, as set forth in the preamble to this act, the State of Missouri hereby adopting and ratifying the constitution for the provisional government of the Confederate States of America as a member of said Confederacy upon an equal footing with the other States under said constitution.

Sec. 2. His Excellency C. F. Jackson, governor of this State, is hereby directed and authorized to transmit to the President of said Confederate States of America an authentic copy of this act in pursuance of section 2 of the act of said Congress above referred to, and to perform all other acts which may hereafter become necessary to secure the admission of the State of Missouri as a member of the said Confederacy.

This act shall be in force from and after its passage.

Approved, October 31, 1861.

I hereby certify the above and foregoing to be a full, true, and perfect copy of the original roll.

In testimony whereof I have hereto set my hand and the great seal of the State of Missouri this 2d day of November, 1861.

B. F. Massey, *Secretary of State.*

[Ibid., p. 753.]

In transmitting these enactments to the president of the Confederate States, Governor Jackson said, in a letter dated at Cassville, Mo., November 5, 1861, that the act ratifying the constitution would have been submitted to a vote of the people but for the fact that the State was then "invaded by the Federal Army to such an extent as to pre-

clude the possibility of holding an election at the present time." (Ibid., p. 753.)

On November 25, 1861, President Davis transmitted to the Congress of the Confederate States Governor Jackson's letter, with its inclosures, together with a copy of the convention between the Confederate States and the State of Missouri (Ibid., p. 757), and on the 28th of November the State was admitted as a member of the Confederate States of America. Following is a copy of the act of admission:

AN ACT to admit the State of Missouri into the Confederacy as a member of the Confederate States of America.

The Congress of the Confederate States of America do enact, That the State of Missouri be, and is hereby, admitted as a member of the Confederate States of America, upon an equal footing with the other States of the Confederacy, under the Constitution of the provisional government of the same.

Approved, November 28, 1861.

[Ibid., p. 758.]

MISSOURI STATE GUARD.

It has been seen in the preceding chapter that the general assembly of the State of Missouri, at its session in February, 1861, declared itself opposed to the coercion of the seceding States. It is now proposed to narrate some other events preceding the organization of the Missouri State Guard, the military force called into the service of the State prior to the act of admission to the Confederacy, and which had an organized existence for some time subsequent to that event.

On April 17, 1861, the Governor of Missouri declined to furnish the State's quota of 75,000 militia called for by the President of the United States, declaring the requisition to be "illegal, unconstitutional, and revolutionary in its object, inhuman and diabolical," and that "not one man" would be furnished by the State of Missouri to carry on the proposed unholy crusade against the people of the seceded States. (Official Records of the Union and Confederate Armies, Series III, Vol. I, p. 82.)

On April 20, 1861, the United States ordnance depot at Liberty, Mo., was seized by armed men from the adjacent counties (Ibid., Series I, Vol. I, p. 649), and on May 4 the ordnance stores at Kansas City were taken by force.

On May 6, 1861, the State militia force of St. Louis County went into camp at Camp Jackson, in the city of St. Louis, and on the 10th of May the troops forming the encampment were surrendered as prisoners of war to the United States forces under Capt. (subsequently Brig. Gen.) Nathaniel Lyon, commanding the United States arsenal at St. Louis. The preliminary correspondence between General Frost, commanding the State militia, and Captain Lyon on the subject of the surrender was as follows:

HEADQUARTERS CAMP JACKSON, MISSOURI MILITIA,
May 10, 1861.

Capt. N. LYON,
Commanding United States Troops in and about St. Louis Arsenal.

SIR: I am constantly in receipt of information that you contemplate an attack upon my camp, whilst I understand that you are impressed with the idea that an attack upon the arsenal and United States troops is intended on the part of the militia of Missouri. I am greatly at a loss to know what could justify you in attacking citizens of the United States who are in the lawful performance of duties devolving upon them under the Constitution in organizing and instructing the militia of the State in obedience to her laws, and therefore have been disposed to doubt the correctness of the information I have received.

I would be glad to know from you personally whether there is any truth in the statements that are constantly poured into my ears. So far as regards any hostility being intended toward the United States or its property or representatives by any portion of my command, or, as far as I can learn (and I think I am fully informed), of any other part of the State forces, I can say positively that the idea has never been entertained. On the contrary, prior to your taking command of the arsenal, I proffered to Major Bell, then in command of the very few troops constituting its guard,

the services of myself and all my command, and, if necessary, the whole power of the State, to protect the United States in the full possession of all her property. Upon General Harney's taking command of this department I made the same proffer of services to him, and authorized his adjutant-general, Captain Williams, to communicate the fact that such had been done to the War Department. I have had no occasion since to change any of the views I entertained at that time, neither of my own volition nor through the orders of my constitutional commander.

I trust that, after this explicit statement, we may be able, by fully understanding each other, to keep far from our borders the misfortunes which so unhappily afflict our common country.

This communication will be handed to you by Colonel Bowen, my chief of staff, who will be able to explain anything not fully set forth in the foregoing.

I am, sir, very respectfully, your obedient servant,

D. M. Frost,
Brigadier-General, Commanding Camp Jackson, Missouri Volunteer Militia.

[Official Records of the Union and Confederate Armies, Series II, Vol. I, p. 109.]

Headquarters United States Troops,
St. Louis, Mo., May 10, 1861.

General D. M. Frost,
Commanding Camp Jackson.

Sir: Your command is regarded as evidently hostile toward the Government of the United States. It is, for the most part, made up of those secessionists who have openly avowed their hostility to the General Government, and have been plotting at the seizure of its property and the overthrow of its authority.

You are openly in communication with the so-called Southern Confederacy, which is now at war with the United States, and you are receiving at your camp from the said Confederacy and under its flag large supplies of the material of war, most of which is known to be the property of the United States.

These extraordinary preparations plainly indicate none other than the well-known purpose of the governor of this State, under whose orders you are acting, and whose purposes, recently communicated to the legislature, have just been responded to by that body in the most unparalleled legislation, having in direct view hostilities to the General Government and cooperation with its enemies.

In view of these considerations, and of your failure to disperse in obedience to the proclamation of the President, and of the eminent necessities of State policy and welfare, and the obligations imposed upon me by instructions from Washington, it is my duty to demand, and I do hereby demand, of you an immediate surrender of your command, with no other conditions than that all persons surrendering under this demand shall be humanely and kindly treated. Believing myself prepared to enforce this demand, one-half hour's time before doing so will be allowed for your compliance therewith.

Very respectfully, your obedient servant,

N. Lyon,
Captain, Second Infantry, Commanding Troops.

[Ibid., p. 110.]

A copy of the reply of General Frost to Captain Lyon's demand for the surrender of the camp is embodied in a letter from the former to Brig. Gen. William S. Harney, commanding the United States Department of the West, dated May 11, 1861, in which General Frost referred at some length to the object of the encampment and its purpose with reference to the United States property at the St. Louis Arsenal. His letter to General Harney is as follows:

St. Louis Arsenal, Mo., *May 11, 1861.*

General William S. Harney, *United States Army,*
Commanding Department of the West.

Sir: In accordance with the laws of the State of Missouri which have been existing for some years and in obedience to the orders of the governor, on Monday last [Monday, May 6, 1861] I entered into an encampment with the militia force of St. Louis County for the purpose of instructing the same in accordance with the laws of the United States and of this State. Every officer and soldier in my command had taken with uplifted hand the following oath, to wit:

"You, each and every one of you, do solemnly swear that you will honestly and faithfully serve the State of Missouri against all her enemies, and that you will do

your utmost to sustain the Constitution and laws of the United States and of this State against all violence of whatsoever kind or description; and you do further swear that you will well and truly execute and obey the legal orders of all officers properly placed over you whilst on duty, so help you God."

Whilst in the peaceable performance of the duties devolved upon me and my command under these laws, my encampment was yesterday surrounded by an overwhelming force of armed men, acting under the command of Capt. N. Lyon, Second Infantry, United States Army, and called upon by him through a written command accompanying this. To which communication I replied in the following terms, to wit:

"CAMP JACKSON, MO., *May 10, 1861.*

"Capt. N. LYON, *Commanding United States Troops.*

"SIR: I never for a moment having conceived the idea that so illegal and unconstitutional a demand as I have just received from you would be made by an officer of the United States Army, I am wholly unprepared to defend my command from this unwarranted attack, and shall therefore be forced to comply with your demand.

"I am, sir, very respectfully, your obedient servant,

"D. M. FROST,

"*Brigadier-General, Commanding Camp Jackson, Missouri Volunteer Militia.*"

My command was in accordance with the above deprived of their arms and surrendered into the hands of Captain Lyon. After which, whilst thus disarmed and surrounded, a fire was opened upon a portion of it by his troops and a number of my men put to death, together with several innocent lookers-on—men, women, and children. My command was then marched as prisoners of war in triumph to this place. I am now informed, as I was at the time of the surrender, by the captain, that my command may be released upon the officers and men giving their parole "not to take up arms or to serve in a military capacity against the United States during the present civil war."

Against the whole proceeding of Captain Lyon as well as against the terms of release I most earnestly protest, for the following reasons:

That, in addition to the obligation of loyalty which rests upon every citizen, every man of my command now held as a prisoner has voluntarily taken an oath to sustain the Constitution and laws of the United States.

That when my camp was attacked in this unwarrantable manner and during the previous days of its existence the only flags that floated there were those of the United States with all the stars, and its fellow bearing alone the coat of arms of the State of Missouri.

That, in addition to all this, on the morning before this attack was made I addressed to Captain Lyon a communication informing him of the proffer of services I had previously made of myself and of all my command, and if necessary the whole power of the State of Missouri, to protect the United States property, and assuring him that I had in no respect changed those views or opinions, either of my own volition or through any orders emanating from my constitutional commander.

Under all these circumstances I appeal to you as the chief representative of the United States in this department for justice on behalf of those loyal citizens who are now held as prisoners of war, captured under and marching to their place of confinement with the flag of the Union flying over their heads. I ask that you will not put upon the command the additional indignity of requiring us to give our parole when we have already given our oath in support of the Constitution, but that you will order our restoration to the liberties of which we have been illegally deprived, as well as of the property of the State and individuals, as the larger portion of the equipments have been purchased with the private funds of the individuals of my command, both officers and men.

I trust that such as have been so purchased will at least be restored to the proper owners.

I am, sir, very respectfully, your obedient servant,

D. M. FROST,

Brigadier-General, Missouri Volunteer Militia.

[Ibid., p. 113.]

It is possible that General Frost was not aware of the intentions of the Confederate authorities and those of the State of Missouri with regard to the arsenal at St. Louis. What those intentions were is shown in a correspondence between Governor Jackson and President Davis a short time preceding the surrender of Camp Jackson. The

governor's letter, dated April 17, 1861, has not been discovered, but its tenor is shown by the President's reply, bearing date April 23, 1861, which is as follows:

MONTGOMERY, ALA., *April 23, 1861.*

His Excellency C. F. JACKSON,
Governor of Missouri.

SIR: I have the honor to acknowledge yours of the 17th instant, borne by Captains Greene and Duke, and have most cordially welcomed the fraternal assurances it brings.

A misplaced but generous confidence has, for years past, prevented the Southern States from making the preparation required by the present emergency, and our power to supply you with ordnance is far short of the will to serve you. After learning as well as I could from the gentlemen accredited to me what was most needful for the attack on the arsenal, I have directed that Captains Greene and Duke should be furnished with two 12-pounder howitzers and two 32-pounder guns, with the proper ammunition for each. These, from the commanding hills, will be effective, both against the garrison and to breach the inclosing walls of the place. I concur with you as to the great importance of capturing the arsenal and securing its supplies, rendered doubly important by the means taken to obstruct your commerce and render you unarmed victims of a hostile invasion.

We look anxiously and hopefully for the day when the star of Missouri shall be added to the constellation of the Confederate States of America.

With best wishes, I am, very respectfully yours,

JEFFERSON DAVIS.

[Ibid., Series I, Vol. I, p. 688.]

As a part of the contemporaneous history of the events culminating in the capture of Camp Jackson it may not be inappropriate to quote a portion of Captain Lyon's report to his Government:

ST. LOUIS ARSENAL, *May 11, 1861.*

Col. L. THOMAS,
Adjutant-General United States Army.

SIR: * * * The steamer *J. C. Swan* arrived at St. Louis on the night of the 8th with a large supply of military stores, including, as I was informed, muskets, ammunition, and cannon taken on board at Baton Rouge, and there obtained from the arsenal. The boat arriving in the night, great industry was used to transport these stores during the night (and before being likely to be exposed in the morning) to the camp of what is called the State militia, and which is made up for the most part of what has for a long time been known as a body of rabid and violent opposers of the General Government, and who have, during this time, been a terror to all loyal and peaceful citizens.

Their extraordinary and unscrupulous conduct, and their evident design, and of the governor of this State, to take a position of hostility to the United States, are matters of extensive detail and of abounding evidence. Having appealed to the South for assistance, every appearance indicated a rapid accumulation of men and means for seizing Government property and overturning its authority. I accordingly foresaw that under the extraordinary measures of the governor and legislature of this State aggressions would soon commence against the General Government on the part of these opposers of it, and of all who were in such a state of hostilities, willing to support the State against the Government. Of this there can be no doubt, as also that the issue would be taken by the State as soon as she felt able to sustain it. It was therefore necessary to meet this embarrassing complication as early as possible, and accordingly I proceeded yesterday with a large body of troops, supported by artillery, to the camp above referred to, and which is situated in the western part of the city, at what is known as Lindell's Grove, between Olive street and Laclede avenue, and arrived at 3.15 p. m., and demanded of General Frost, the commander, a surrender of his entire command. Copies of the correspondence are herewith inclosed.

Of the stores from Baton Rouge Arsenal, so far as understood, there were found three 32-pounder guns, one mortar, three mortar beds, and a large supply of shot and shells in ale barrels. All these artillery pieces were in boxes of heavy plank, and were addressed "Tamoroa, care of Greely & Gale, St. Louis," "I. C. R. R.," to whom no delivery was made, this being a guise to cover the movement, and Greely & Gale being known as strong Union men saved them from close scrutiny. No doubt many arms, the mortars corresponding to the beds, and other war materials were

received, agreeably to numerous reports made, but which can be obtained only by a thorough search over the city. Of the material besides tents, baggage, camp equipments, etc., left in camp by the troops, were 1,200 rifle muskets of United States manufacture, late model, .58 caliber; 6 field pieces, brass; 25 kegs of powder; from 30 to 40 horses; and several arm chests of arms understood to be like the 1,200 muskets mentioned.

* * * * * * *

Respectfully, your obedient servant,

N. LYON,
Captain, Second Infantry, Commanding.

[Ibid., Series II, Vol. I, p. 107.]

The general assembly had been summoned by the governor to meet in special session at Jefferson City on the 2d of May, "for the purpose of enacting such measures as might be deemed necessary and proper for the more perfect organization and equipment of the militia and to raise the money and provide such of the means as might be required to place the State in a proper attitude of defense" (The Fight for Missouri, Snead, p. 151), and measures looking to that end were speedily adopted.

By an act of the assembly approved May 9, 1861, the sum of $10,000 was placed at the disposal of the governor, to be applied at his discretion to such military service or expenses as immediate necessity might require, and by another act of the same date the governor was authorized to continue in the active service of the State all or such of the volunteer companies that he had ordered into encampment for such time as he might think necessary. Following are copies of these enactments:

AN ACT to create a special military fund for the use of the governor.

Be it enacted by the general assembly of the State of Missouri as follows: SECTION 1. That the sum of ten thousand dollars is hereby appropriated, out of any money in the treasury, and is hereby placed at the disposal of the governor, to be applied by him, at his discretion, to such military service or expenses as immediate necessity may require.

* * * * * * *

This act to take effect and be in force from and after its passage.

Approved, May 9, 1861.

[Laws of the State of Missouri, called session, Twenty-first General Assembly, p. 47.]

AN ACT in relation to the volunteer militia of Missouri.

Be it enacted by the general assembly of the State of Missouri as follows: SECTION 1. That the governor of the State is hereby authorized and empowered to continue in the active service of the State all or such of the volunteer companies that he has heretofore ordered into encampment for such time as he may think necessary.

This act to take effect and be in force from and after its passage.

Approved, May 9, 1861.

[Ibid., p. 44.]

On May 10, 1861, the date of the surrender of Camp Jackson, an additional sum of $20,000 was placed at the disposal of the governor, and on the same date the governor was authorized to take such measures as he might deem necessary to repel invasion or put down rebellion. The enactments thus providing are as follows:

AN ACT placing money at the disposal of the governor for the defense of the State.

Be it enacted by the general assembly of the State of Missouri as follows: SECTION 1. In addition to the sum of ten thousand dollars heretofore appropriated, the further sum of twenty thousand dollars is hereby appropriated, out of any money in the treasury, to be placed at the disposal of the governor, to be used by him for the purpose of

maintaining the peace and safety of the State in such manner as his discretion may direct.

* * * * * * *

This act to take effect and be in force from and after its passage.

Approved, May 10, 1861.

[Ibid., p. 47.]

AN ACT to authorize the governor of the State of Missouri to suppress rebellion and repel invasion.

Whereas, information has been received that the city of St. Louis has been invaded by the citizens of other States, and a portion of the people of said city are in a state of rebellion against the laws of the State, whereby the lives and property of the good people of the State are endangered: Therefore,

Be it enacted by the general assembly of the State of Missouri as follows: SECTION 1. That the governor of the State of Missouri is hereby authorized to take such measures as in his judgment he may deem necessary or proper to repel such invasion or put down such rebellion.

This act shall take effect from its passage.

Approved, May 10, 1861.

[Ibid., p. 48.]

On the following day, May 11, 1861, an act was passed "to raise money to arm the State, repel invasion, and protect the lives and property of the people of Missouri." This act is in part as follows:

AN ACT to raise money to arm the State, repel invasion, and protect the lives and property of the people of Missouri.

Be it enacted by the general assembly of the State of Missouri as follows: SECTION 1. For the purpose of arming and equipping the militia and providing for the successful defense of the State against all her foes there is hereby created a fund, to be denominated the "militia fund." * * * [The provisions for creating this fund are here omitted.]

SEC. 5. The governor is hereby authorized and required to purchase such arms, munitions of war, and books of instruction as he may deem best suited to accomplish the object designed by this act. * * * The governor of the State is also empowered to use a portion of said military fund for the purpose of establishing an armory in the State penitentiary; and in order to carry into effect this object he may purchase materials and machinery and contract with any party leasing said penitentiary for the manufacture of arms and munitions of war, and for this purpose may use all or any portion of the convict labor.

* * * * * * *

This act to take effect from its passage.

Approved, May 11, 1861.

[Ibid., p. 52.]

By an act approved May 13, 1861, the governor was authorized, whenever in his opinion the security and welfare of the State might require it, to take possession of all railroad and telegraph lines within the State; and by an act of May 14 he was authorized to establish foundries "for the manufacture of arms" and for "other necessary purposes."

On the latter date, May 14, 1861, an act was passed by the assembly "to provide for the organization, government, and support of the militia forces of the State of Missouri." This act contains 216 sections and 48 articles of war. Besides providing for the organization of the militia forces of the State, to be designated the "Missouri State Guard," it provided for the organization of "Home Guards" for local service, and prohibited the formation of "armed clubs" or other military organizations except as provided by the terms of the act.

Such portions of the enactment as are necessary for the purposes of this paper, omitting unnecessary details, are quoted below:

AN ACT to provide for the organization, government, and support of the military forces of the State of Missouri.

Be it enacted by the general assembly of the State of Missouri as follows:

MILITARY DISTRICTS.

SECTION 1. All able-bodied free white male inhabitants of the State of Missouri between the ages of 18 and 45 years who shall be enrolled or liable to military duty under the provisions of this act shall constitute, be known, and designated as the "Missouri State Guard;" and the State of Missouri is hereby divided into nine military districts and divisions, as follows, viz:

* * * * * * *

OFFICERS.

SEC. 12. It shall be the duty of the governor to nominate and, by and with the advice and consent of the senate, to appoint the following general officers, to wit: One brigadier-general for each military district in the State, who shall command the whole military force therein: *Provided*, That the whole number of brigadier-generals in the State shall never exceed nine who shall be in commission at any one time besides the governor's staff, and every brigadier-general shall reside in the military district comprising his command; and the brigadier-generals thus appointed shall hold their offices until their successors shall be elected and qualified.

SEC. 13. Whenever in any one military district the number of organized companies shall reach twenty-four, there shall be elected a brigadier-general by the commissioned officers of the line of such district, who shall hold his office during good behavior.

* * * * * * *

COMMANDER IN CHIEF.

SEC. 16. It shall be the duty of the commander in chief to require that a uniform system of drill, discipline, returns, reports, and accounts is observed throughout the State, and that all commanding officers of districts shall make such reports and returns as will enable him at all times to have exact information of the strength and military condition of all the State forces.

* * * * * * *

COMMANDING OFFICERS OF DISTRICTS—DUTIES AND POWERS.

* * * * * * *

SEC. 24. It shall be his duty to report at once to the commander in chief, and also to the governor, any insurrection in or invasion of his district, and until he shall receive special orders in the case from his superiors he shall take such measures to repel the invasion or suppress the insurrection as are at his command and best calculated to maintain the peace and dignity of the State.

* * * * * * *

ORGANIZATION.

SEC. 38. All troops mustered into the service of the State, whether the same be volunteers or drafted, shall be officially known and designated as the "Missouri State Guard;" and all companies shall be known and designated in their respective regiments, battalions, or squadrons by the letters of the alphabet, beginning with the letter "A," but may have special company designations.

VOLUNTEERS.

SEC. 39. The active force of the line of the Missouri State Guard shall, in time of peace, be raised and kept up by voluntary enlistment, which enlistment shall be for a term of seven years.

SEC. 40. The companies of infantry shall not contain less than 50 nor more than 100 members; of cavalry, not less than 50 nor more than 80; of artillery, not less than 48 nor more than 100.

SEC. 41. Whenever an association of individuals shall desire to volunteer as a company, into the military service of the State of Missouri, they shall procure, in accordance with the preceding section, the number of men required for the particular arm to which they wish to attach themselves, all of whom must be able-bodied citizens of the State of Missouri and not less than 18 years of age. * * * The members of the association, to the number required by law for their particular arm, having assembled at the time and place specified, the mustering officer will then proceed to muster them into the service of the State in the following manner: Causing each and every individual to hold up his naked right hand he shall administer the following oath: "You, each and every one of you, do solemnly swear, or affirm (as the case may be), that you will bear true allegiance to the State of Missouri, and that you will serve her honestly and faithfully against all her enemies or opposers whatsoever; that you will support the constitution of the State of Missouri and observe and obey the orders of the governor of Missouri, and the orders of the officers appointed over you, whilst on duty, according to the rules and articles for the government of the Missouri State Guard; so help you God." The foregoing oath having been administered to at least 50 members, the mustering officer will then direct the company to go into an election of one captain, one first, one second, and one third lieutenant; and, presiding over such election, shall appoint three discreet and disinterested persons to receive and count the ballots in his presence; and no officer shall, at any time, be considered elected unless he shall receive a majority of the votes cast; and no election for company officers shall be valid unless at least 35 legal votes are polled, and each officer elected must accept such election in writing.

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REGIMENT—HOW CONSTITUTED.

SEC. 50. A regiment shall consist of not less than six nor more than eight companies of the same arm, but companies of other arms may be attached by order of the commanding officer of district.

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DIVISION—HOW CONSTITUTED.

SEC. 54. The military force, enlisted and enrolled in any one military district, shall constitute a division.

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ARMY CORPS.

SEC. 56. An army corps shall consist only of troops actually in the field, and may comprise one or more regiments, uniting the different arms of infantry, cavalry, and artillery, with the proper staff corps, thus forming a complete army in itself, and may be composed of a quota of troops from the different military districts, all of whom shall be commanded by the senior officer of the line in the field, the commander in chief in person, or by a brigadier-general specially detailed thereto by the commander in chief.

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DIFFERENT CORPS.

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SEC. 67. Nothing in this act shall be so construed as to deprive any portion of the volunteer forces now organized under the name of "Volunteer Militia of Missouri," saving and excepting division inspectors, of the rights, privileges, immunities, or rank acquired by them under existing laws; but all companies so organized shall, as quickly as possible, recruit their companies to the legal standard, and in all other respects conform to this law.

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SUPPORT.

SEC. 94. It shall be the duty of the auditor of public accounts to set apart and cause to be retained by itself one-twentieth of the general revenue of this State, which shall be and constitute the general military fund of the State, and out of

which shall be paid the salaries of the adjutant-general, quartermaster-general, and all other accounts required by the provisions of this act to be paid, on any account audited by the military board for the benefit of the Missouri State Guard.

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BRINGING TROOPS INTO THE FIELD.

SEC. 135. Whenever it shall be necessary for the defense of the State, the maintenance of public tranquillity, the suppression of riot, rebellion, or insurrection, or the repelling of invasion, that the military force of the State, or any part thereof, be called into the field, the commanding officers of districts shall first have recourse to the organized enlisted force in their respective districts (having due regard to the appropriateness of arms to the kind of service required, and giving preference to troops nearest the place of disturbance); and should such organized enlisted force be deemed insufficient for the requirements of the service such commanding officer of the district in which such disturbance may exist shall be authorized to accept the services of a sufficient number of volunteers from the enrolled force of such district; and should there continue to be an insufficiency of force in the field for the requirements of the service, then the commander in chief may, in his discretion, order the commanding officer of such district to draft from the enrolled force of his district, as shall be hereinafter provided, such number of men as may be required; or the commander in chief may order the organized enlisted force from any other or adjoining district to the support and defense of the district wherein such disturbance may exist.

SEC. 136. Whenever the necessities of the public may require that troops shall be retained in the field for a longer period than six months, the commander in chief shall first determine the number of troops required for the service, and apportion the same among the military districts, having reference to the enrolled force in each district. He shall then issue his order to the commanding officers of districts, wherein shall be stated the total number of men required, the period for which such troops shall be called into service, the particular arm of the service in which such troops shall be required to serve, and the place and time for general rendezvous; and the commanding officers of districts shall, immediately upon the reception of such orders from the commander in chief, proceed to raise, organize, and forward to the place of general rendezvous the quota as required in the order of the commander in chief; and in order thereto they shall be authorized to accept the services of such persons as may volunteer, first, from the organized enlisted force of their respective districts; second, from the enrolled military force of their respective districts; and should there be an insufficiency of men to supply the quota required, such commanding officers of districts will at once apportion the deficit of men among the counties comprised in their respective districts, having reference to the enrolled force therein, and proceed to draft from the same as hereinafter provided. And whenever troops shall be called into the field under the provisions of this section, the same shall constitute, be known and designated as a distinct army corps; and the commander in chief may order, at his discretion, by special detail, any one of the commanding officers of any military district in the State to the command of such army corps, and relieve such officer at pleasure. And whenever an army corps shall be commanded by any officer of lower rank than the commanding officer of the military district in which such corps may be serving, such officer of such corps shall be subordinate to such commanding officer of such military district and subject to his orders.

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ARMED CLUBS PROHIBITED.

SEC. 167. It is hereby declared unlawful for any number of the inhabitants of this State to unite together in the semblance of an armed organization without having been first duly organized and mustered into the service of the State under the provisions of this act; and whenever it shall come to the knowledge of any officer or soldier of the Missouri State Guard that such an armed organization has been or is likely to be attempted, it shall be his duty to immediately notify the commanding officer of the district in which such organization has been or is to be attempted of the fact, and it shall be the duty of the commanding officer of such district to immediately disarm the same; and to this end he shall have authority to use so much of the military force at his command as will obtain that end; and all arms found in possession of such organization shall be confiscated to the State, and be seized and forwarded to the State arsenal: *Provided*, That nothing in this section shall be so construed as to prevent the summoning a posse comitatus by a sheriff or other civil officer to enforce the execution of any civil process.

HOME GUARD.

SEC. 168. The division inspector of the district, or his assistant, may organize, under and according to the provisions of this act, one or more companies of men for a Home Guard, to remain in and perform military service in the county in which they are organized, and shall be under the control of the commanding officer of the district.

SEC. 169. The county in which such Home Guards shall be raised shall pay all the expenses of such companies. * * *

SEC. 170. All white persons over the age of fourteen and under the age of eighteen years (with the consent of their parents, guardians, or masters), and all white persons over the age of forty-five years, and none others, shall be competent to serve in the Home Guard.

STATE TROOPS—HOW CALLED OUT.

SEC. 171. The commander in chief shall have power at any time (when the general assembly is not in session) to call into the active service of the State any number of the State forces that he may deem necessary for the purpose of suppressing insurrection, repelling invasion, or for the protection of the lives, liberty, or property of any citizens of this State.

SEC. 172. If any officer of the State Guard shall willfully fail or refuse to comply with the orders of the commander in chief, under the foregoing section, such officer shall, on conviction before a court-martial, be cashiered, and otherwise punished by fine or imprisonment, as may be adjudged by such court.

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SERVICE OUTSIDE OF THE STATE.

SEC. 177. Whenever volunteers may be required to serve outside the limits of the State, the preference shall be given to the companies organized under this act; and the commander in chief shall proclaim the number of companies he requires and the day on which the selection will be made; and if on that day more companies have applied than are necessary he shall decide by lot which shall be received of those that have so volunteered.

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This act to take effect and be in force from and after its passage.

Approved, May 14, 1861.

[Ibid., pp. 3–43.]

On the 15th of May special provision was made for the distribution of the militia act. This was done by an act of the assembly of which the following is a copy:

AN ACT to provide for the distribution of the militia law.

Be it enacted by the general assembly of the State of Missouri, as follows: SECTION 1. That the secretary of state is hereby authorized and directed to have 5,000 copies of the act to provide for the organization, government, and support of the military force of the State of Missouri printed in pamphlet form, and distribute the same immediately, by mail or otherwise, under the direction of the adjutant-general of the State, according to the population of each county, respectively.

This act to take effect from its passage.

Approved, May 15, 1861.

[Ibid., p. 44.]

On the same date an act was passed authorizing the appointment of a major-general to command the militia. This act is as follows:

AN ACT to authorize the appointment of one major-general for the Missouri militia.

Be it enacted by the general assembly of the State of Missouri, as follows: SECTION 1. The governor is hereby authorized to appoint one major-general, who shall, in time of insurrection, invasion, or war, command the entire military force in the field, and shall hold his office during good behavior.

SEC. 2. The appointment of said major-general shall be subject to the confirmation of the senate; and should the general assembly not be in session at the time of the

appointment of said major-general, said appointment shall be subject to confirmation at the next session thereafter.

SEC. 3. The said major-general shall be ex officio president of the military board authorized to be created by an act to provide for the organization and government of the militia, approved May 13, 1861; but shall have no command, except of troops actually in the field.

This act to take effect and be in force from and after its passage.

Approved, May 15, 1861..

[Ibid., p. 43.]

The organization of the Missouri State Guard was at once begun. On the 18th of May, Maj. Gen. Sterling Price assumed command and announced his staff in the following general order:

GENERAL ORDERS, No. 3. HEADQUARTERS MISSOURI STATE GUARD, *Jefferson City, May 18, 1861.*

1. The undersigned hereby assumes command of the Missouri State Guard.

2. The following-named officers are announced as composing the staff of the major-general commanding: Col. Henry Little, assistant adjutant-general; Lieut. Col. A. W. Jones, aide-de-camp; Lieut. Col. R. T. Morrison, aide-de-camp; Surg. William N. Snodgrass, medical director; Asst. Surg. H. W. Cross, assistant medical director.

3. All communications for the commanding general will be addressed to the "Assistant Adjutant-General, Headquarters of the Missouri State Guard," and until further orders will be directed to Jefferson City, Mo.

STERLING PRICE,
Major-General, Commanding.

[Official Records of the Union and Confederate Armies, Series I, Vol. LIII, p. 686.]

On the following day special orders for the organization of the troops of the Sixth Military District were issued, as follows:

SPECIAL ORDERS, No. 4. HEADQUARTERS MISSOURI STATE GUARD, *Jefferson City, May 19, 1861.*

1. The brigadier-general commanding the Sixth Military District, Missouri State Guard, will take immediate steps to organize into regiments all the troops in his district now in the field. This organization will be made in accordance with the new military laws of the State.

2. It is left to the discretion of the brigadier-general commanding the district to organize the regiments of six or eight companies, and the mounted companies may be attached to the regiments as provided for in section 50 of the military laws.

3. After the organization of regiments is complete, should there be surplus companies not sufficient in number to form a regiment of six, they will be organized into a battalion of two or four companies, in accordance with section 48, military laws. When by the arrival of other companies these battalions are augmented to the requisite number they will be organized into regiments.

By command of Maj. Gen. Sterling Price:

HENRY LITTLE, *Assistant Adjutant-General.*

[Ibid., p. 686.]

The War Department records of appointment and organization are incomplete and no record has been found of the orders issued at this time to the other district commanders, but it is stated by Thomas L. Snead in his history, The Fight for Missouri (p. 184), that on the 21st of May the governor announced the appointment of nine brigadier-generals (one for each military district) and that "their commissions were forthwith transmitted to all, with orders to enroll at once the men within their respective districts, and get them ready for active service." The author of this publication was an aide-de-camp on the staff of the governor, and acting adjutant-general of the Missouri State Guard. He gives the names of the nine brigadier-generals, as follows: Alexander W. Doniphan, M. Monroe Parsons, James S. Rains, John B. Clark, Meriwether Lewis Clark, Nathaniel W. Watkins, Beverly Randolph, William Y. Slack, and James H. McBride.

On the 21st of May Col. John Reid, "commissary-general," was announced as "chief of the subsistence department" on the staff of the major-general commanding. (Official Records of the Union and Confederate Armies, Series I, Vol. LIII, p. 687.) While the organization of the Missouri State Guard was thus in progress, a convention was entered into between General Price, the major-general commanding, and Brig. Gen. W. S. Harney, commanding the United States forces, in which it was declared to be their mutual object to restore peace and good order to the people of the State. Following is a copy of the agreement:

ST. LOUIS, *May 21, 1861.*

The undersigned, officers of the United States Government and of the government of the State of Missouri, for the purpose of removing misapprehensions and allaying public excitement, deem it proper to declare publicly that they have this day had a personal interview in this city, in which it has been mutually understood, without the semblance of dissent on either part, that each of them has no other than a common object, equally interesting and important to every citizen of Missouri—that of restoring peace and good order to the people of the State in subordination to the laws of the General and State governments. It being thus understood, there seems no reason why every citizen should not confide in the proper officers of the General and State governments to restore quiet, and, as among the best means of offering no counterinfluences, we mutually recommend to all persons to respect each other's rights throughout the State, making no attempt to exercise unauthorized powers, as it is the determination of the proper authorities to suppress all unlawful proceedings, which can only disturb the public peace.

General Price, having by commission full authority over the militia of the State of Missouri, undertakes, with the sanction of the governor of the State already declared, to direct the whole power of the State officers to maintain order within the State among the people thereof, and General Harney publicly declares that, this object being thus assured, he can have no occasion, as he has no wish, to make military movements which might otherwise create excitements and jealousies, which he most earnestly desires to avoid.

We, the undersigned, do therefore mutually enjoin upon the people of the State to attend to their civil business of whatsoever sort it may be, and it is to be hoped that the unquiet elements, which have threatened so seriously to disturb the public peace, may soon subside and be remembered only to be deplored.

STERLING PRICE,
Major-General, Missouri State Guard.
WM. S. HARNEY,
Brigadier-General, Commanding.

[Ibid., Series I, Vol. III, p. 375.]

Following this declaration, on the 24th of May, the militia of the Sixth Military District, except those from the city of St. Louis, were ordered to their homes, but the work of organization was to be continued. The order to the commanding general of the Sixth District was as follows:

GENERAL ORDERS, No. 5.

HEADQUARTERS MISSOURI STATE GUARD,
Jefferson City, May 24, 1861.

I. The brigadier-general commanding the Sixth Military District will take immediate steps to send to their respective homes all the troops now in the field in said district, except those from the city of St. Louis. The mounted companies and all infantry companies that can reach their homes by railroad will be first ordered away.

II. On reaching their respective counties and districts the captain of each of said companies will immediately report, either in person or by letter, to the district commander, who will continue their company organization and proceed to organize them into regiments, as required by the military laws.

III. Each captain before leaving here will prepare and give the necessary bond for all the arms and equipments belonging to the State in the possession of his company.

IV. As soon as the necessary blanks can be prepared an officer will be sent to the several districts of the State to muster and pay the troops that have been in actual service from the time they have been so employed.

V. The quartermaster and commissary departments will prepare the necessary means for transportation and subsistence of said troops without delay.

By command of Maj. Gen. Sterling Price:

HENRY LITTLE, *Assistant Adjutant-General.*

[Ibid., Series I, Vol. LIII, p. 689.]

As indicating the condition of affairs in Missouri at this time the following correspondence is here inserted:

HEADQUARTERS DEPARTMENT OF THE WEST,
St. Louis, Mo., May 24, 1861.

Gen. STERLING PRICE, *Jefferson City, Mo.:*

I am informed that troops and arms are coming into Missouri from Arkansas. Is such the case? Would it not be well for me to station a regiment in the southern frontier of Missouri? Please answer by telegraph.

WM. S. HARNEY,
Brigadier-General, Commanding.

[Ibid., Series I, Vol. III, p. 378.]

JEFFERSON CITY, MO., *May 24, 1861.*

Gen. W. S. HARNEY, United States Army:

I am satisfied your information is incorrect. It can not be that arms or men are coming into Missouri from any quarter without the knowledge of the governor or myself. We have no such information. I advise that you do not send a regiment into the southwest; it will exasperate our own people. I have attended to dispatches inclosed me by you from Springfield and St. Joseph. I am dismissing my troops, and I will carry out our agreement faithfully.

STERLING PRICE,
Major-General, Commanding Missouri State Guard.

[Ibid., p. 379.]

HEADQUARTERS DEPARTMENT OF THE WEST,
St. Louis, Mo., May 27, 1861.

Maj. Gen. STERLING PRICE,
Commanding Missouri State Guard, Jefferson City, Mo.

GENERAL: I am just in receipt of a telegraphic dispatch from Springfield, Mo., which seems to be reliable, that a force is either organized or being organized in Arkansas, near the Missouri line, with the avowed purpose of entering this State to disturb its relation with the General Government. I lose no time in communicating this intelligence, in order that you may not be misled by rumors of measures which may be necessary on my part to meet this threatened hostility. In our recent arrangement a contingency like this was not looked for, and in any event it could hardly be expected of you to assume the responsibility of repelling an invasion from Arkansas which, should further information justify an expectation of it, must be met by myself.

I take great pleasure in expressing the belief that our late meeting in this city will result in the good of our common country.

I have the honor to be, general, with high respect, your obedient servant,

WM. S. HARNEY,
Brigadier-General, Commanding.

[Ibid.]

HEADQUARTERS DEPARTMENT OF THE WEST,
St. Louis, Mo., May 27, 1861.

Maj. Gen. STERLING PRICE, *Missouri State Guard.*

GENERAL: I am in the receipt of numerous communications setting forth that aggressions continue to be committed upon Union men in different portions of Missouri, more especially at and in the vicinity of Springfield, Hannibal, St. Joseph, and Kansas City.

These complaints, coming as they do from sources which I regard as reliable, occasion me no little embarrassment, and I have thought it might, perhaps, become my duty to afford protection at the places above indicated to the extent of authorizing the organization of Home Guards, unless you can give me assurances that such a measure is unnecessary, and I trust that the raising of a force of this description at any point, for home purposes merely, should occasion seem to me to require it, would not be regarded by you as an infraction of the agreement entered into between us on the 21st instant.

I shall be glad to hear from you upon the subject of this communication at your earliest convenience.

I have the honor to be, general, with high respect, your obedient servant,

WM. S. HARNEY,
Brigadier-General, Commanding.

[Ibid.]

HEADQUARTERS MISSOURI STATE GUARD,
Jefferson City, Mo., May 29, 1861.

Brig. Gen. W. S. HARNEY, United States Army,
St. Louis, Mo.

GENERAL: I have the honor to acknowledge the receipt of your two communications of date 27th instant.

In reply to your propositions to establish or organize Home Guards in certain localities, I have to say that such a step, in my opinion, would bring about the very state of things we mutually desire to avoid, to wit, hostilities between the Federal and State governments. In the present state of excitement among the people the arming of one portion of a community by the Federal Government would very naturally be looked upon by the other in a spirit of jealousy, and, in my opinion, would have a tendency to excite those who now hold conservative peace positions into exactly the contrary attitude, an example of which we have in St. Louis. It would undoubtedly, in my opinion, lead to neighborhood collision, the forerunner of civil war. Additional reasons might be urged why you should abandon the establishment of these Home Guards, palpable to yourself, if the desire is to avoid civil war in Missouri.

With regard to the other point in your letter, relative to complaints of Union men, I have instituted strict inquiry relative to every case within my knowledge, and beg leave to reassure you that in no single instance have these acts been instigated or recognized by meetings or organizations of any kind; but wherever and whenever happening, prove to be the offspring of irresponsible individuals, and no effort has been left undone on my part to prevent even this, and shall be continued in the future. You will observe from published orders that I positively enjoin upon all citizens of the State the scrupulous protection of individual property and rights, irrespective of political opinions. With these views and deductions, I feel assured that you will ageee with me that to carry out your proposed plan would be exceedingly injudicious, if not ruinous, to the peace of the State. General, it is my unchanged and honest intention to carry out to the letter the agreement entered into between us, and I can but feel assured, from the high sense of honor that has always attended your public acts, that you will, with equal fidelity, observe the same on your part.

On receipt of your telegram of yesterday I immediately dispatched two highly respectable citizens of Springfield, who replied that no troops from Arkansas were expected or desired. The assertion in the Democrat that wagons had been sent from Sedalia to Arkansas for arms is wholly untrue. Should, however, troops enter Missouri from Arkansas or any other State, be assured that I will cause them to return, and thus save you from the taking of a step which I could not with justice construe into any other light than a violation of our agreement, and such a violation as would, in my opinion, undoubtedly precipitate civil hostilities.

I have the honor to be, general, with much respect, your obedient servant,

STERLING PRICE,
Major-General, Commanding.

[Ibid., p. 380.]

Further information as to the condition of affairs in the State and the intention of the State authorities is contained in a letter addressed by Lieut. Gov. Thomas C. Reynolds to the President of the Confederate States under date of June 3, 1861, in which the President was invited

to send a force of Confederate troops into the State to form a nucleus around which the Missourians might gather "to form a home force to protect their menaced liberties." This letter is as follows:

MEMPHIS, TENN., *June 3, 1861.*

His Excellency JEFFERSON DAVIS,
President of the Confederate States of America.

SIR: You are doubtless partially aware of the present condition of Missouri. As shown by the proclamation of General Harney, herewith inclosed, it is the fixed purpose of the United States Government to suppress her State sovereignty, prevent by force the arming and disciplining of her militia, and the assembling of her legislature or her sovereign convention for any purpose unacceptable to the Lincoln Administration. This fixed policy has already been exhibited in several instances, particularly in the affair at Camp Jackson, near St. Louis, accounts of which I herewith inclose. The answer made by General Harney to the writ of habeas corpus issued by the United States district judge for the eastern district of Missouri, in the case of Emmett MacDonald (an extract from which is herewith inclosed), shows clearly the intention of the United States authorities to act under a "higher law," and disregard even the Constitution of the United States itself in their attempt to reduce Missouri to the condition of a subject province. The position assumed by her general assembly in this matter is shown in the resolutions (herewith inclosed) unanimously adopted by both branches of that body. The people, however, are unorganized, but not entirely unarmed. Good judges assure me that 60,000 rifles and shotguns are in the hands of true Southern men in our State, and my own knowledge of our people convinces me that at least two-thirds, and possibly three-fourths, of the voters of Missouri desire a speedy union with the Confederate States; but in our present condition it is impossible to call together our convention or take a popular vote on the question. That body can not now direct any such vote, for the plain reason that the United States authorities have the will and physical power to prevent the polls from being opened, nor can either the general assembly or the convention sit in safety or tranquillity except under the protection of a friendly armed force. It is to the Confederate States alone, to her sister Southern States, that Missouri can look for the necessary aid for that purpose. Missouri being still nominally one of the United States, no legal or constitutional express authority exists in anyone to invite your government to send us aid. No duties or powers are intrusted to the governor in view of any such emergency. The manifold civil duties he has to perform at the capital of the State require his presence, and the necessity of his avoiding acts compromising his position toward the United States Government or endangering his person and the State records is apparent to anyone who is aware how greatly the interests and convenience of the people depend on the governor's attention to those civil duties. It can not, therefore, be expected that he should assume, without express direction of the constitution, duties of a military and quasi-international character.

On mature consideration, examination of the laws and constitution of Missouri, and consultation with leading men of mature judgment and sound patriotism, I have come to the conclusion that, in the absence of any provision of our constitution applicable to such a state of affairs, the high moral duty of leading an armed effort to redeem the State from subjection, and its governor and other authorities from virtual captivity, devolves not upon the governor, but upon me. As lieutenant-governor I am, by our constitution, president of the senate, and I am also by law president of the general assembly when in joint session.

That body has adjourned to meet at the capital on the third Monday of September, next. As their presiding officer I am the only person armed with power by law to arrest disturbers of their deliberations when they are in actual session, and I conceive it to be but a small extension of this authority for me to take necessary measures to put down those who intend to disturb those deliberations by possibly even preventing a session. To wait until the general assembly meets and attempt to punish such disturbance after it is committed would be sheer folly, as it would have been committed by a force sufficient to defy punishment. Moreover, I have entirely reliable information that an attempt on my part to perform the duties of presiding officer of the senate would be prevented by the United States authorities; and even if the information be incorrect, I do not consider it becoming the dignity of a free State that one of its principal officers should exercise his powers virtually at the sufferance of a military dictator claiming the right to suspend even the writ of habeas corpus. I believe history will furnish examples of protection given to such an officer in such an emergency by friendly foreign powers; and should no precisely similar example exist, I feel assured that the public opinion of your confederacy, as

well as that of Missouri, would fully justify you in extending protection to the presiding officer of a body which, as the general assembly of Missouri has done, has unmistakably evinced its sympathy with your cause.

Under this sense of duty to the general assembly and people of Missouri I intend to return to the State, and, as soon as I can do so with a reasonable prospect of success, call around me such of her citizens (and I know they can be counted by tens of thousands) who are willing to join me in the attempt to free her from the military rule now imposed upon her. To do so without meeting with prompt expulsion (more injurious to our cause than it would be not to make the attempt at all) is impossible unless I am accompanied by an army of the Confederate States. Officially, as presiding officer of the general assembly, I hereby request the aid of your government, and invite it to send with me a body of Confederate States troops sufficient to prevent a failure at the start, and to serve as a nucleus around which the Missourians may gather to form a home force to protect their menaced liberties. If you are willing to accept this invitation, the conditions and extent of the assistance can be settled hereafter in a personal interview or otherwise.

Hoping for a prompt and, if possible, favorable answer, I have the honor to be, Mr. President,

Very respectfully, your obedient servant,

THOMAS C. REYNOLDS,
Lieutenant-Governor of the State of Missouri.

[Ibid., Series I, Vol. LIII, p. 692.]

The proclamation of General Harney, inclosed by the lieutenant-governor, was evidently the following:

MILITARY DEPARTMENT OF THE WEST,
St. Louis, May 14, 1861.

To the people of the State of Missouri:

On my return to the duties of the command of this department I find, greatly to my astonishment and mortification, a most extraordinary state of things existing in this State, deeply affecting the stability of the Government of the United States as well as the governmental and other interests of Missouri itself.

As a citizen of Missouri, owing allegiance to the United States and having interests in common with you, I feel it my duty as well as privilege to extend a warning voice to my fellow-citizens against the common dangers that threaten us, and to appeal to your patriotism and sense of justice to exert all your moral power to avert them.

It is with regret that I feel it my duty to call your attention to the recent act of the general assembly of Missouri, known as the "military bill," which is the result no doubt of the temporary excitement that now pervades the public mind. This bill can not be regarded in any other light than an indirect secession ordinance, ignoring even the forms resorted to by other States. Manifestly its most material provisions are in conflict with the Constitution and laws of the United States. To this extent it is a nullity, and can not and ought not to be upheld or regarded by the good citizens of Missouri. There are obligations and duties resting upon the people of Missouri under the Constitution and laws of the United States which are paramount, and which, I trust, you will carefully consider and weigh well before you will allow yourselves to be carried out of the Union under the form of yielding obedience to this military bill, which is clearly in violation of your duties as citizens of the United States.

It must be apparent to everyone who has taken a proper and unbiased view of the subject that, whatever may be the termination of the unfortunate condition of things in respect to the so-called cotton States, Missouri must share the destiny of the Union. Her geographical position, her soil, productions, and, in short, all her material interests, point to this result. We can not shut our eyes against this controlling fact. It is seen and its force is felt throughout the nation. So important is this regarded to the great interests of the country that I venture to express the opinion that the whole power of the Government of the United States, if necessary, will be exerted to maintain Missouri in her present position in the Union. I express to you, in all frankness and sincerity, my own deliberate convictions, without assuming to speak for the Government of the United States, whose authority here and elsewhere I shall at all times and under all circumstances endeavor faithfully to uphold. I desire above all things most earnestly to invite my fellow-citizens dispassionately to consider their true interests as well as their true relation to the Government under which we live and to which we owe so much.

In this connection I desire to direct attention to one subject which, no doubt, will be made the pretext for more or less popular excitement. I allude to the recent trans-

actions at Camp Jackson, near St. Louis. It is not proper for me to comment upon the official conduct of my predecessor in command of this department, but it is right and proper for the people of Missouri to know that the main avenue of Camp Jackson, recently under command of General Frost, had the name of Davis, and a principal street of the same camp that of Beauregard, and that a body of men had been received into that camp by its commander which had been notoriously organized in the interests of the secessionists, the men openly wearing the dress and badge distinguishing the army of the so-called Southern Confederacy. It is also a notorious fact that a quantity of arms had been received into the camp which were unlawfully taken from the United States arsenal at Baton Rouge and surreptitiously passed up the river in boxes marked "Marble."

Upon facts like these, and having in view what occurred at Liberty, the people can draw their own inferences, and it can not be difficult for anyone to arrive at a correct conclusion as to the character and ultimate purpose of that encampment. No government in the world would be entitled to respect that would tolerate for a moment such openly treasonable preparations. It is but simple justice, however, that I should state the fact that there were many good and loyal men in the camp who were in no manner responsible for its treasonable character.

Disclaiming as I do all desire or intention to interfere in any way with the prerogatives of the State of Missouri, or with the functions of its executive or other authorities, yet I regard it as my plain path of duty to express to the people, in respectful but at the same time decided language, that within the field and scope of my command and authority the "supreme law" of the land must and shall be maintained, and no subterfuges, whether in the forms of legislative acts or otherwise, can be permitted to harass or oppress the good and law-abiding people of Missouri. I shall exert my authority to protect their persons and property from violations of every kind, and I shall deem it my duty to suppress all unlawful combinations of men, whether formed under pretext of military organizations or otherwise.

WM. S. HARNEY,
Brigadier-General, United States Army, Commanding

[Ibid., Series I, Vol. III, p. 371.]

On June 5, 1861, an order was issued to hasten the equipment of the State Guard. Following is a copy of the order:

GENERAL ORDERS, No. 8. HEADQUARTERS MISSOURI STATE GUARD, *Jefferson City, June 5, 1861.*

I. To hasten and facilitate the equipment of the Missouri State Guard the commander of each military district will cause to be purchased and manufactured in their respective districts such articles of camp and garrison equipage as can be obtained therein; and for this purpose the captains or commanders of companies will be authorized to procure, as far as they can, the equipments for their companies in their immediate localities. The certified account of all such camp and garrison equipage, together with the bond of such commanders, will be forwarded to the division quartermaster of the district, and by him transmitted to the quartermaster-general of the State, who will furnish the division quartermaster with necessary means to pay for same.

II. The following is the allowance of camp and garrison equipage to each officer and company: Each general, 3 tents in the field, 1 ax, 1 hatchet; field and staff officers above rank of captain, 2 tents in the field, 1 ax, 1 hatchet; other staff officers and captains, 1 tent in the field, 1 ax, 1 hatchet; to every 15 foot and 13 mounted men, 1 tent in the field, 2 spades, 2 axes, 2 pickets, 2 camp kettles, 2 mess pans, 5 hatchets, 1 iron pot; subalterns of companies (to every 2), 1 tent in the field, 1 ax, 1 hatchet.

III. Each regiment will adopt the State flag, made of blue merino, 6 by 5 feet, with the Missouri coat of arms in gold gilt on each side. Each mounted company will have a guidon, the flag of which will be of white merino, 3 by 2½ feet, with the letters M. S. G. in gilt on each side. The length of the pike for colors and guidons will be 9 feet long, including spear and ferule. Each company of infantry will have 1 drum and 1 fife. Each company of mounted men will have 2 bugles or trumpets. If the colors, guidons, drums, fifes, and bugles can not be procured in the district, requisitions will be made on the quartermaster-general of the State.

By command of Maj. Gen. Sterling Price:

HENRY LITTLE,
Assistant Adjutant-General.

If the tents be of the small, triangular pattern, allow 6 of foot and 5 of mounted men to each.

[Ibid., Series I, Vol. LIII, p. 694.]

On June 11, 1861, a conference was held at the city of St. Louis between Governor Jackson and Brig. Gen. Nathaniel Lyon, who had succeeded General Harney in the command of the Department of the West, the object, as stated by the governor, being to avert the horrors of civil war. The conference failed in its object, and on the 12th of June the governor issued his proclamation calling for 50,000 militia for the active service of the State. This proclamation, which recites the reasons for its issue, the objects for which the militia was to be employed, the status of the State with reference to the Federal Union, and the duty of citizens to the State and the United States, is here given in full:

A PROCLAMATION.

To the People of Missouri:

A series of unprovoked and unparalleled outrages have been inflicted upon the peace and dignity of this Commonwealth and upon the rights and liberties of its people by wicked and unprincipled men, professing to act under the authority of the United States Government. The solemn enactments of your legislature have been nullified, your volunteer soldiers have been taken prisoners, your commerce with your sister States has been suspended, your trade with your own fellow-citizens has been and is subjected to the harassing control of an armed soldiery, peaceful citizens have been imprisoned without warrant of law, unoffending and defenseless men, women, and children have been ruthlessly shot down and murdered, and other unbearable indignities have been heaped upon your State and yourselves.

To all these outrages and indignities you have submitted with a patriotic forbearance which has only encouraged the perpetrators of these grievous wrongs to attempt still bolder and more daring usurpations. It has been my earnest endeavor under all these embarrassing circumstances to maintain the peace of the State and to avert, if possible, from our borders the desolating effects of a civil war. With that object in view I authorized Major-General Price several weeks ago to arrange with General Harney, commanding the Federal forces in this State, the terms of an agreement by which the peace of the State might be preserved. They came, on the 21st of May, to an understanding, which was made public. The State authorities have faithfully labored to carry out the terms of that agreement. The Federal Government, on the other hand, not only manifested its strong disapprobation of it by the instant dismissal of the distinguished officer who on its part entered into it, but it at once began and has unintermittingly carried out a system of hostile operations in utter contempt of that agreement and in reckless disregard of its own plighted faith. These acts have latterly portended revolution and civil war so unmistakably that I resolved to make one further effort to avert these dangers from you. I therefore solicited an interview with Brigadier-General Lyon, commanding the Federal army in Missouri. It was granted, and on the 10th instant, waiving all questions of personal and official dignity, I went to St. Louis, accompanied by Major-General Price.

We had an interview on the 11th instant with General Lyon and Col. F. P. Blair, jr., at which I submitted to them this proposition: That I would disband the State Guard and break up its organization; that I would disarm all the companies which have been armed by the State; that I would pledge myself not to attempt to organize the militia under the military bill; that no arms or munitions of war should be brought into the State; that I would protect all citizens equally in all their rights, regardless of their political opinions; that I would repress all insurrectionary movements within the State; that I would repel all attempts to invade it, from whatever quarter and by whomsoever made, and that I would thus maintain a strict neutrality in the present unhappy contest, and preserve the peace of the State. And I further proposed that I would, if necessary, invoke the assistance of the United States troops to carry out these pledges. All this I proposed to do upon condition that the Federal Government would undertake to disarm the Home Guards, which it has illegally organized and armed throughout the State, and pledge itself not to occupy with its troops any localities in the State not occupied by them at this time.

Nothing but the most earnest desire to avert the horrors of civil war from our beloved State could have tempted me to propose these humiliating terms. They were rejected by the Federal officers. They demanded not only the disorganization and disarming of the State militia and the nullification of the military bill, but they refused to disarm their own Home Guards, and insisted that the Federal Government should enjoy an unrestricted right to move and station its troops throughout the State whenever and wherever that might, in the opinion of its officers, be necessary,

either for the protection of the "loyal subjects" of the Federal Government or for the repelling of invasion, and they plainly announced that it was the intention of the Administration to take military occupation under these pretexts of the whole State, and to reduce it, as avowed by General Lyon himself, to the "exact condition of Maryland."

The acceptance by me of these degrading terms would not only have sullied the honor of Missouri, but would have aroused the indignation of every brave citizen, and precipitated the very conflict which it has been my aim to prevent. We refused to accede to them, and the conference was broken up. Fellow-citizens, all our efforts toward conciliation have failed. We can hope nothing from the justice or moderation of the agents of the Federal Government in this State. They are energetically hastening the execution of their bloody and revolutionary schemes for the inauguration of a civil war in your midst; for the military occupation of your State by armed bands of lawless invaders; for the overthrow of your State government, and for the subversion of those liberties which that government has always sought to protect, and they intend to exert their whole power to subjugate you, if possible, to the military despotism which has usurped the powers of the Federal Government.

Now, therefore, I, C. F. Jackson, governor of the State of Missouri, do, in view of the foregoing facts and by virtue of the powers vested in me by the constitution and laws of this Commonwealth, issue this my proclamation, calling the militia of the State, to the number of 50,000, into the active service of the State, for the purpose of repelling said invasion, and for the protection of the lives, liberty, and property of the citizens of this State, and I earnestly exhort all good citizens of Missouri to rally under the flag of their State for the protection of their endangered homes and firesides, and for the defense of their most sacred rights and dearest liberties.

In issuing this proclamation, I hold it to be my solemn duty to remind you that Missouri is still one of the United States; that the executive department of the State government does not arrogate to itself the power to disturb that relation; that that power has been wisely vested in a convention, which will at the proper time express your sovereign will, and that meanwhile it is your duty to obey all the constitutional requirements of the Federal Government; but it is equally my duty to advise you that your first allegiance is due to your own State, and that you are under no obligation whatever to obey the unconstitutional edicts of the military despotism which has enthroned itself at Washington, nor to submit to the infamous and degrading sway of its wicked minions in this State. No brave and true-hearted Missourian will obey the one or submit to the other. Rise, then, and drive out ignominiously the invaders who have dared to desecrate the soil which your labors have made fruitful and which is consecrated by your homes.

Given under my hand as governor and under the great seal of the State of Missouri at Jefferson City this 12th day of June, 1861.

CLAIBORNE F. JACKSON.

By the Governor:

B. F. MASSEY, *Secretary of State.*

[Ibid., p. 696.]

On the date of the governor's proclamation the commanders of the several districts of the Missouri State Guard were directed to immediately assemble all available troops in their respective districts "for actual service." The order for this purpose was in the following terms:

GENERAL ORDERS, No. 11.

HEADQUARTERS MISSOURI STATE GUARD, *Jefferson City, Mo., June 12, 1861.*

I. The commanders of the military districts of the Missouri State Guard will immediately assemble all the available troops in their respective districts for actual service.

II. The forces of the Third District will, as they assemble, march by regiments, battalions, or companies, without delay, to Boonville, Cooper County, which will be the rendezvous. On their arrival at this place the commanders of such regiments, battalions, and companies will report to the senior officer present, who will report each arrival to these headquarters and to the commander of the Sixth Military District.

III. The forces of the first, second, fourth, fifth, sixth, seventh, eighth, and ninth will assemble in camp, the place to be designated by the respective district commanders, who will repair in person to said camp and superintend the organization and equipment of their commands. They will, from time to time, report to these headquarters the number and condition of their command.

IV. The district quartermasters and commissaries will use all the means at their command in their respective districts to furnish supplies for this movement, and will make requisitions on the quartermaster-general and commissary-general for funds.

By command of Maj. Gen. S. Price:

HENRY LITTLE, *Assistant Adjutant-General.*

[Ibid., Series I, Vol. III, p. 592.]

The governor's proclamation and the order for the assemblage of the Missouri State Guard was followed almost immediately by open hostilities, which it is not the purpose of this paper to discuss.

On June 16, 1861, General Parsons was directed to hasten with his command to Boonville, bringing with him such men as might join him on the way (Ibid., Series I, Vol. LIII, p. 699), and on July 4, 1861, the following general order was issued for the organization of the forces in the field:

GENERAL ORDERS, No. 16. HEADQUARTERS MISSOURI STATE GUARD, *Camp Lamar, July 4, 1861.*

The commander in chief issues the following general orders for the government of the forces now in the field:

I. The several brigadier-generals now in the field will proceed forthwith to the organization of the forces from their respective districts, and all companies or parts of companies from the Second District will report their strength and equipments, together with a list of their commissioned officers, to Gen. John B. Clark and be attached to his command. All companies and parts of companies from the Fifth District will make a like report to Gen. W. Y. Slack and be attached to his command. All companies and parts of companies from the First, Eighth, and Ninth districts will make a like report to Gen. M. M. Parsons and be attached to his command.

II. Col. John Reid is hereby detailed as commissary-general of the forces now in the field, and the commissaries of the several brigades will make to him a full and complete return as soon as practicable of all the commissary stores under their control, which will be equitably distributed by him to the several brigades upon requisitions from the proper officers.

III. In the absence of the quartermaster-general, Acting Quartermaster Edward Haren will, through himself and the quartermasters of brigades and their assistants, have charge of the transportation of the forces now in the field, as provided by law.

By order of C. F. Jackson, Commander in Chief:

WARWICK HOUGH, *Adjutant-General.*

[Ibid., Series I, Vol. LIII, p. 705.]

On July 10, 1861, Brig. Gen. A. E. Steen, commanding the Fifth Military District, was directed to organize his division (Official Records of the Union and Confederate Armies, Series I, Vol. LIII, p. 710), and on the 11th of July the following order was issued:

GENERAL ORDERS, No. 3. HEADQUARTERS MISSOURI STATE GUARD, *Cowskin Prairie, July 11, 1861.*

I. The State troops now in the field will be designated as follows: First Division, Missouri State Forces, Brig. Gen. M. M. Parsons; Second Division, Missouri State Forces, Brig. Gen. J. S. Rains; Third Division, Missouri State Forces, Brig. Gen. J. B. Clark; Fourth Division, Missouri State Forces, Brig. Gen. W. Y. Slack; Fifth Division, Missouri State Forces, Brig. Gen. A. E. Steen.

II. Brigadier-generals commanding divisions will proceed to organize into regiments and battalions all the companies in their commands not already so organized. This organization, being by divisions, will be entered accordingly, as First, Second, or Third Regiment of Infantry; First, Second, or Third Division; the same in regard to other arms of artillery or cavalry. The companies in each regiment or battalion will be lettered as A, B, C, etc. Each division commander will report such organization, with the names of the field officers elected, to headquarters.

* * * * * * *

By order of Gen. S. Price, commanding:

H. LITTLE, *Assistant Adjutant-General.*

[Ibid., p. 710.]

On the 16th of July Brig. Gen. M. M. Parsons, the senior brigadier-general of the Missouri State Guard, was assigned to the command of the forces in the field during the temporary absence of Major-General Price, and Col. Horace Brand, First Regiment Riflemen, Sixth District, was appointed inspector-general on the staff of the major-general commanding. (Official Records of the Union and Confederate Armies, Series I, Vol. LIII, p. 713.)

On August 1, 1861, Brig. Gen. M. Jeff. Thompson issued from the headquarters of the First Military District of the Missouri State Guard at Bloomfield, Mo., a proclamation appealing to the "people of Missouri" to rally to his standard. Again it becomes necessary to refer to Moore's Rebellion Record, no official copy of this proclamation having been found. As recorded in the publication referred to (Vol. II, Docs., p. 457) the proclamation reads:

HEADQUARTERS MISSOURI STATE GUARD,
Bloomfield, Mo., August 1, 1861.

MISSOURIANS! STRIKE FOR YOUR FIRESIDES AND YOUR HOMES!

To the people of Missouri:

Having been elected to command the gallant sons of the First Military District of Missouri in the second war of independence, I appeal to all whose hearts are with us immediately to take the field. By a speedy and simultaneous assault on our foes we can, like a hurricane, scatter them to the winds; while tardy action, like the gentle south wind, will only meet with northern frosts, and advance and recede, and like the seasons will be like the history of the war, and will last forever. Come, now; strike while the iron is hot! Our enemies are whipped in Virginia. They have been whipped in Missouri. General Hardee advances in the center, General Pillow on the right, and General McCulloch on the left, with 20,000 brave Southern hearts to our aid. So leave your plows in the furrow and your oxen in the yoke, and rush like a tornado upon our invaders and foes, to sweep them from the face of the earth or force them from the soil of our State! Brave sons of the Ninth District, come and join us! We have plenty of ammunition and the cattle on ten thousand hills are ours. We have 40,000 Belgian muskets coming; but bring your guns and muskets with you, if you have them; if not, come without them. We will strike your foes like a Southern thunderbolt, and soon our camp fires will illuminate the Meramec and Missouri. Come, turn out!

JEFF. THOMPSON,
Brigadier-General Commanding.

On August 14, 1861, General Price announced in orders the appointment of Phineas M. Savery as provost-marshal of the Missouri army, with the rank of major, and directed him to recruit a company. He also congratulated the army on the brilliant victory won at the battle of Wilson's Creek on the 10th of August (Official Records of the Union and Confederate Armies, Series I, Vol. LIII, p. 727), and on the 20th of the same month he issued a proclamation announcing "to the people of Missouri" that the army under his command had been organized under the laws of the State for the protection of their homes and firesides and for the maintenance of the rights, dignity, and honor of Missouri. He assured them that he was determined to protect every peaceable citizen in the full enjoyment of his rights, whatever may have been his sympathies, if he had not taken an active part in the warfare that had been waged against the good people of the State, at the same time warning evil-disposed persons who should support the usurpation of anyone claiming to be the provisional or temporary governor of the State, or who should in any other way give aid or comfort to the enemy, that they would be held as enemies

and treated accordingly. The full text of the proclamation is as follows:

JEFFERSON CITY, *August 20, 1861.*

To the people of Missouri.

FELLOW-CITIZENS: The army under my command has been organized under the laws of the State for the protection of your homes and firesides and for the maintenance of the rights, dignity, and honor of Missouri. It is kept in the field for these purposes alone, and to aid in accomplishing them our gallant Southern brethren have come into our State. With these we have achieved a glorious victory over the foe, and scattered far and wide the well-appointed army which the usurper at Washington has been more than six months gathering for your subjugation and enslavement. This victory frees a large portion of the State from the power of the invaders and restores it to the protection of its army. It consequently becomes my duty to assure you that it is my firm determination to protect every peaceable citizen in the full enjoyment of all his rights, whatever may have been his sympathies in the present unhappy struggle, if he has not taken an active part in the cruel warfare which has been waged against the good people of this State by the ruthless enemies whom we have just defeated. I therefore invite all good citizens to return to their homes and the practice of their ordinary avocations, with the full assurance that they, their families, their homes, and their property shall be carefully protected. I at the same time warn all evil-disposed persons who may support the usurpations of anyone claiming to be provisional or temporary governor of Missouri, or who shall in any other way give aid or comfort to the enemy, that they will be held as enemies and treated accordingly.

STERLING PRICE,
Major-General, Commanding Missouri State Guard.

[Ibid., p. 730.]

On October 23, 1861, an order was issued by Major-General Price for the reorganization of the divisions of the Missouri State Guard. This order is as follows:

GENERAL ORDERS, No. 63. } HEADQUARTERS MISSOURI STATE GUARD, *Camp near Neosho, October 23, 1861.*

Paragraph No. 1, of General Orders, No. 3, July, 1861, organizing and designating the divisions, being an error, is hereby corrected, and in accordance with the requirements of the military bill the divisions will in future be designated as follows: First Division, composed of troops from the counties of St. Francois, Ste. Genevieve, Perry, Cape Girardeau, Bollinger, Madison, Iron, Wayne, Stoddard, Scott, Mississippi, New Madrid, Butler, Dunklin, Pemiscot; Second Division, composed of troops from the counties of Scotland, Clark, Knox, Lewis, Shelby, Marion, Monroe, Ralls, Pike, Audrain, Callaway, Montgomery, Lincoln, Warren, and St. Charles; Third Division, composed of troops from the counties of Putnam, Schuyler, Sullivan, Adair, Linn, Macon, Chariton, Randolph, Howard, and Boone; Fourth Division, composed of troops from the counties of Gentry, Harrison, Mercer, Grundy, De Kalb, Daviess, Livingston, Clinton, Caldwell, Ray, Carroll, and Worth; Fifth Division, composed of troops from the counties of Atchison, Nodaway, Holt, Andrew, Buchanan, Platte, and Clay; Sixth Division, composed of troops from the counties of Saline, Pettis, Cooper, Moniteau, Cole, Osage, Gasconade, Maries, Miller, Morgan, Camden, Pulaski, and Phelps; Seventh Division, composed of troops from the counties of Dallas, Laclede, Texas, Dent, Reynolds, Shannon, Wright, Webster, Greene, Christian, Stone, Taney, Douglas, Ozark, Howell, Oregon, Carter, and Ripley; Eighth Division, composed of troops from the counties of Jackson, La Fayette, Cass, Johnson, Bates, Henry, Benton, Hickory, Polk, St. Clair, Vernon, Cedar, Dade, Barton, Jasper, Lawrence, Newton, McDonald, and Barry; Ninth Division, composed of troops from the counties of St. Louis, Washington, Franklin, Jefferson, and Crawford.

By order of Maj. Gen. Sterling Price:

[H. LITTLE, *Adjutant-General.*]

[Ibid., p. 750.]

On the 24th of November an address was issued by Brigadier-General Parsons to his friends and fellow-citizens of the Sixth Mili-

tary District, appealing to them to join his standard. Following is a copy of his address:

HEADQUARTERS SIXTH MILITARY DISTRICT, MISSOURI STATE GUARD,
Camp on Cedar Creek, November 24, 1861.

To my friends and fellow-citizens of the Sixth Military District of Missouri:

Six months have elapsed since I have had the honor of addressing any of you, except my veterans who were in the field with me. You will remember that in June last I left your district with a handful of men for the confines of Arkansas. Although few in number when I left, our forces increased until I was enabled to meet, with my brother generals, the mercenary foe upon the fields of Carthage and put him to rout, thus securing my original object of making Arkansas the base of future operations. Aided by the troops of the Confederate States, from this position we were enabled to meet the great hero of the Federal Army upon the bloody field of Wilson's Creek, and vanquished him with the loss of his life and the demoralization of his entire army.

My countrymen, these deeds of chivalry would alone have been sufficient to have placed unfading laurels upon the brows of my soldiers, but, although I had buried upon that bloody field many of my gallant comrades in arms, our exertions did not cease there. Our march was onward. We again met the enemy at Dry Wood, and the gallant little division which I had the honor to command again gallantly met the enemy while he was pursuing our retiring friends, and, driving him from the field, saved their artillery and munitions from capture.

Yet the undaunted spirit of your military district was not yet satiated. Glory still led them on. The strong fortifications of Lexington were in front; straightway to them their columns wended. In a four days' siege Lexington fell, and your division was honored with the position of receiving the surrender of the enemy.

Circumstances, over which your general in chief and myself had no control, forced us again to retire upon the confines of Arkansas. We were followed by an army under General Frémont—an army, the best appointed that ever marched upon the Western Continent—and after having stationed ourselves in a position where we could give the enemy battle, he halted, pondered, and finally turned, in precipitate retreat, before our veteran soldiers.

We again have come upon the borders of your military district. Our soldiers are as energetic, as brave, as willing, and as anxious to meet the enemy as ever, and they will meet him, and vanquish him, too, if he dares present a hostile front. But then, my countrymen, let me appeal to you. Do you intend to live in ease, in winter comforts, and far from danger, by your own firesides and with your own families, and allow these veterans of five battles still to war for your security, your lives, and your property? I believe you will not. Then I ask you in the name of all that we cherish upon this earth, in the name of our honor, our families, and of those who are to come after us, to rally to the call of your gallant old leader, the general in chief. Of course some will fall in this bloody strife. Many fields may yet run red with the blood of our brethren. Yet, why should we despond? It is by the blood of martyrs that liberty is maintained, and as for those who have already fallen, or those who may hereafter fall, we will visit them in our memories with the poet's couplet:

How sleep the brave, who sink to rest
By all their country's wishes blest!
There Honor comes, a pilgrim gray,
To bless the turf that wraps their clay;
And Freedom shall a while repair,
To dwell, a weeping hermit, there.

I will not close this appeal without calling upon our friends from the St. Louis District. Brave Kelly is here, who has bled for our cause upon the bloody field of Wilson's Creek. His gallant command has been cut down by the fate of battle. Are there no bold spirits, no brave Irish hearts in the St. Louis District, who will rally to his standard? I know there are. An invitation and opportunity is all they desire. Let them come.

My countrymen, the invader is already faltering and retiring before us; one more grand contest and our country is free.

M. M. PARSONS,
Brigadier-General, Sixth District.

[Ibid., p. 756.]

Two days later a stirring appeal was addressed by General Price to the people of central and north Missouri, urgently calling for 50,000

volunteers for his army. To emphasize this appeal he stated that to the call of the chief magistrate in June, 1861, for 50,000 men for services in the State Guard less than 5,000 had responded. The proclamation reads as follows:

PROCLAMATION TO THE PEOPLE OF CENTRAL AND NORTH MISSOURI.

MARSHALL, MO., *November 26, 1861.*

Fellow-citizens:

In the month of June last I was called to the command of a handful of Missourians, who nobly gave up home and comfort to espouse in that gloomy hour the cause of your bleeding country, struggling with the most causeless and cruel despotism known among civilized men. When peace and protection could no longer be enjoyed but at the price of honor and liberty your chief magistrate called for 50,000 men to drive the ruthless invader from a soil made fruitful by your labors and consecrated by your homes.

To that call less than 5,000 responded; out of a male population exceeding 200,000 men, one in forty only stepped forward to defend with their persons and their lives the cause of constitutional liberty and human rights.

Some allowances are to be made on the score of a want of military organization, a supposed want of arms, the necessary retreat of the army southward, the blockade of the river, and the presence of an armed and organized foe. But nearly six months have now elapsed; your crops have been tilled; your harvests have been reaped, your preparations for winter have been made; the army of Missouri, organized and equipped, fought its way to the river; the foe is still in the field; the country bleeds and our people groan under the inflictions of a foe marked with all the characteristics of barbarian warfare, and where now are the 50,000 to avenge our wrongs and free our country? Had 50,000 men flocked to our standard with their shotguns in their hands there would not now be a Federal hireling in the State to pollute our soil. Instead of ruined communities, starving families, and desolated districts, we should have had a people blessed with protection and with stores to supply the wants and necessities and comforts of life. Where are those 50,000 men? Are Missourians no longer true to themselves? Are they a timid, time-serving, craven race, fit only for subjection to a despot? Awake, my countrymen, to a sense of what constitutes the dignity and true greatness of a free people. A few men have fought your battles; a few men have dared the dangers of the battlefield; a few have borne the hardships of the camp, the scorching suns of summer, the frosts of winter, the malaria of the swamps, the privations incident to our circumstances, fatigue, and hunger and thirst, often without blankets, without shoes, with insufficient clothing, with the cold, wet earth for a bed, the sky for a covering, and a stone for a pillow, glad only to meet the enemy on the field, where some paid the noblest devotion known among men on earth to the cause of your country and your rights with their lives.

But where one has been lost on the field three have been lost by diseases induced by privation and toil. During all these trials we have murmured not; we offered all we had on earth at the altar of our common country—our own beloved Missouri—and we only now ask our fellow-citizens, our brethren, to come to us and help to secure what we have gained and to win our glorious inheritance from the cruel hand of the spoiler and the oppressor. Come to us, brave sons of Missouri! Rally to our standard! I must have 50,000 men. I call upon you in the name of your country for 50,000 men. Do you stay at home to take care of your property? Millions of dollars have been lost because you stayed at home. Do you stay at home for protection? More men have been murdered at home than I have lost in five successive battles. Do you stay at home to secure terms with the enemy? Then, I warn you, the day may soon come when you may be surrendered to the mercies of that enemy and your substance be given up to the Hessian and the jayhawker. I can not, I will not, attribute such motives to you, my countrymen.

But where are our Southern-rights friends? We must drive the oppressor from our land. I must have 50,000 men. Now is the crisis of your fate; now the golden opportunity to save the State; now is the day of your political salvation. The time of enlistment for our brave band is beginning to expire. Do not tax their patience beyond endurance; do not longer sicken their hearts by hope deferred. They begin to inquire, "Where are our friends?" Who shall give them an answer? Boys and small property holders have in the main fought the battles for the protection of your property, and when they ask, "Where are the men for whom we are fighting?" how can I, how shall I explain?

Citizens of Missouri, I call upon you by every consideration of interest, by every desire for safety, by every tie that binds you to home and country, delay no longer. "Let the dead bury their dead." Leave your property to take care of itself. Com-

mend your homes to the protection of God, and merit the admiration and love of childhood and womanhood by showing yourselves men, the sons of the brave and free, who bequeathed to us the sacred trust of free institutions. Come to the army of Missouri, not for a week or month, but to free your country.

Strike till each armed foe expires!
Strike for your altars and your fires!
For the green graves of your sires,
God and your native land!

The burning fires of patriotism must inspire and lead you or all is lost; lost, too, just at the moment when all might be forever saved. Numbers give strength. Numbers intimidate the foe. Numbers save the necessity often of fighting battles. Numbers make our arms irresistible. Numbers command universal respect and insure confidence. We must have men—50,000 men. Let the herdsman leave his folds. Let the farmer leave his fields. Let the mechanic leave his shop. Let the lawyer leave his office till we restore the supremacy of law. Let the aspirants for office and place know they will be weighed in the balance of patriotism and may be found wanting. If there be any craven, crouching spirits who have not the greatness of soul to respond to their country's call for help, let them stay at home, and let only the brave and true come out to join their brethren on the tented field.

Come with supplies of clothing, and with tents, if you can procure them. Come with your guns of any description that can be made to bring down a foe. If you have no arms, come without them, and we will supply you as far as that is possible. Bring cooking utensils and rations for a few weeks. Bring blankets and heavy shoes and extra bed clothing if you have them. Bring no horses to remain with the Army except those necessary for baggage transportation. We must have 50,000 men. Give me these men and, by the help of God, I will drive the hireling bands of thieves and marauders from the State. But if Missourians fail now to rise in their strength and avail themselves of the propitious moment to strike for honor and liberty, you can not say that we have not done all we could do to save you.

You will be advised in time at what point to report for organization and active service. Leave your property at home. What if it be taken—all taken? We have $200,000,000 worth of Northern means in Missouri which can not be removed. When we are once free the State will indemnify every citizen who may have lost a dollar by adhesion to the cause of his country. We shall have our property or its value with interest. But, in the name of God and the attributes of manhood, let me appeal to you by considerations infinitely higher than money! Are we a generation of driveling, sniveling, degraded slaves? Or are we men who dare assert and maintain the rights which can not be surrendered, and defend those principles of everlasting rectitude, pure and high and sacred, like God, their author? Be yours the office to choose between the glory of a free country and a just government and the bondage of your children! I will never see the chains fastened upon my country. I will ask for six and a half feet of Missouri soil in which to repose, but will not live to see my people enslaved.

Do I hear your shouts? Is that your war cry which echoes through the land? Are you coming? Fifty thousand men! Missouri shall move to victory with the tread of a giant! Come on, my brave boys, 50,000 heroic, gallant, unconquerable Southern men! We await your coming.

STERLING PRICE,
Major-General, Commanding.

[Ibid., Series I, Vol. VIII, p. 695.]

On the 2d day of December, 1861, elections were held in several divisions of the Missouri State Guard for division commanders, and the results of these elections were announced in order as follows:

GENERAL ORDERS, No. 111.

HEADQUARTERS MISSOURI STATE GUARD,
Camp on Sac River, December 2, 1861.

1. In accordance with General Orders, No. 89, of November 20, 1861, an election for brigadier-general was this day held in the Second, Third, and Fourth Divisions, and the following-named officers were declared duly elected according to law: Martin E. Green, brigadier-general Second Division; Edwin W. Price, brigadier-general Third Division; W. Y. Slack, brigadier-general Fourth Division. Brig. Gen. Martin E. Green will assume command of the Second Division, and Brig. Gen. E. W. Price of the Third Division, and Brig. Gen. W. Y. Slack will continue in command of the Fourth Division, which he has heretofore commanded as brigadier-general of the Fourth Military District by virtue of appointment of the governor of the State.

By order of Major-General Price:

H. LITTLE, *Adjutant-General.*

[Ibid., Series I, Vol. LIII, p. 758.]

GENERAL ORDERS, No. 115.

HEADQUARTERS MISSOURI STATE GUARD,
Camp on Sac River, December 4, 1861.

I. In accordance with General Orders, No. 89, of November 20, 1861, an election was held in the Seventh and Eighth Divisions December 2, 1861, and the following-named officers were declared duly elected according to law: James H. McBride, brigadier-general of Seventh Military District; James S. Rains, brigadier-general of Eighth Military District.

II. Brig. Gen. James H. McBride will continue in command of the Seventh Division and Brig. Gen. James S. Rains will continue in command of the Eighth Division, which they have heretofore commanded as brigadier-generals of the Seventh and Eighth Military Districts, respectively, by virtue of appointment from the governor of the State.

* * * * * * *

By order of Major-General Price:

H. LITTLE, *Adjutant-General.*

[Ibid., p. 759.]

The terms of enlistment of the Missouri State Guard were now expiring; some were enlisting in the Confederate service and many were returning to their homes. Signs of demoralization and disintegration were abundant. Of these the following are in evidence. Brig. Gen. M. Jeff. Thompson, commanding the First Military District, said in a letter to Brig. Gen. Gideon J. Pillow dated at New Madrid, Mo., December 7, 1861:

* * * The terms of enlistment of my men are expiring every day, and while there is so much suspense many are desiring to leave who would cheerfully enlist if matters could be placed right. * * *

[Ibid., Series I, Vol. VIII, p. 704.]

To Brig. Gen. M. L. Clark, Missouri State Guard, then at Richmond, Va., General Thompson said on the same date:

HEADQUARTERS FIRST MILITARY DISTRICT, MISSOURI STATE GUARD,
New Madrid, Mo., December 7, 1861.

Brig. Gen. M. L. CLARK,
Missouri State Guard, Richmond, Va.

DEAR GENERAL: There has been a great deal of dissatisfaction among the men you left here, and upon the return of Colonel Kennelly, who was anxious to have some of them go with him, and on a representation that you had accepted a position in the Regular Army, they determined to disband. The officers all seemed willing and anxious, and I, not feeling willing or disposed to hold them against their desire when we were all about reorganizing, gave my consent, and yesterday they scattered to the four winds. Kelly, Peterson, Wise, and Brannon remain with me. Some went. Frost and Bower and the majority have returned to St. Louis County. The terms of enlistment of my men are expiring each day, and as we have not been able to get a single official order or instruction as to the plan of reorganization, I am having great trouble to satisfy the men. If you can throw any light upon the subject I will be much obliged to you.

Believe me to be, yours, most respectfully,

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

[Ibid., p. 703.]

And on the following day General Thompson said in a letter to Governor Jackson:

HEADQUARTERS FIRST MILITARY DISTRICT, MISSOURI STATE GUARD,
New Madrid, Mo., December 8, 1861.

His Excellency C. F. JACKSON,
Governor and Commander in Chief of Missouri, Richmond, Mo.

SIR: I have been most anxiously waiting some definite instructions in regard to the expiration of the terms of enlistment of the men now in the field of the Missouri State Guard, and also about our organization under the Confederate States. The time of those who answered your call is fast expiring. In fact, every day whole

companies are relieved by expiration of terms, and as many should and ought to go home, while others would come under different officers, the present efficiency of the force is decidedly below par. If the present organization is to be continued in the field another proclamation from you is necessary, and if a reorganization is to be had or gone into, it should be done soon and all at once, so that the appeals and excitement can be used to better advantage. I can raise a brigade without any trouble, if allowed to manage it now; but if separate companies and regiments are allowed to break up and form at different times there will be no enthusiasm and a great falling off in numbers. I have a great many men sick and they are dying by the wholesale. Please send me some orders on the subject of reorganization.

Yours, most respectfully,

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

[Ibid., p. 704.]

On the 9th of December Governor Jackson was at General Thompson's headquarters, and the latter wrote concerning the plan of reorganization:

HEADQUARTERS FIRST MILITARY DISTRICT, MISSOURI STATE GUARD,
New Madrid, Mo., December 9, 1861.

Col. W. G. PHEELAN,
Missouri State Guard, Camp Blanton, Mo.

DEAR COLONEL: Governor Jackson is here, and I can now begin to talk with some knowledge of the plan of reorganization. It is proposed that all the able-bodied men shall enlist in the Confederate service, and from among themselves elect their field officers up to the colonel. The balance are to form themselves into new companies and regiments of Missouri State Guard under the old law, subject to be called out at any time the governor may see fit.

* * * * * * *

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

[Ibid., p. 705.]

Again, on the 26th of December, General Thompson wrote:

HEADQUARTERS FIRST MILITARY DISTRICT, MISSOURI STATE GUARD,
New Madrid, Mo., December 26, 1861.

Maj. Gen. LEONIDAS POLK, C. S. A., *Columbus, Ky.*

DEAR GENERAL: Nearly all my men are disbanded and comparatively but few have reenlisted. They seemed determined to take the Christmas holidays to themselves and are having a real noisy time of it. Two-thirds of those who have enlisted are "for the war," and I expect that all of those who join in January will be for the war. Those that come in later will be twelve-months' men. I have allowed each aspirant for office to open a kind of recruiting office, and I swear in each man myself, intending to combine them as soon as I find elements which suit.

I disband the cavalry to-morrow, and will be without pickets for a few days.

* * * * * * *

Yours, most respectfully,

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

[Ibid., p. 722.]

Relative to the disbandment of the regiments of General Thompson's command, that officer wrote to General Price, January 1, 1862:

NEW MADRID, MO., *January 1, 1862.*

Maj. Gen. STERLING PRICE,
Missouri State Guard, in Camp.

DEAR GENERAL: The instructions from your headquarters and your circular were received, and I have endeavored as far as possible to comply with your orders. I have, however, been very much discouraged by the action of my command and, from newspaper rumors, I am fearful you have suffered in the same way. I endeavored to get all to disband and reorganize on the same day, each company of men selecting at once their new officers, and without any cessation to go on with our good work, but I could not get a corporal's guard to agree to reenlist without first returning home or

taking the Christmas holidays or some other excuse, and I had to adopt a plan to suit the condition of things; it was to march each regiment to the nearest safe point to the majority of their homes, and, setting different days for them to disband, to endeavor to induce them to reenlist. Of those disbanded at this place but few have volunteered up to this time. The Stoddard County regiment disbands this day at Camp Blanton, in Stoddard County. The Dunklin County regiment disbands on the 4th at Clarkton, and the Ripley County regiment disbands on the 8th at Pitman's Ferry. How many of these will volunteer it is impossible to tell, but I am sure I will have but a skeleton force until February or March. The men are all sounder than the officers, and if I could but stop their croaking all would be well. I do not censure all, for many of them are patriotic gentlemen, who are willing to serve anywhere or work in any kind of harness, but many also who can not be reelected, from incompetency or other causes, for the purpose of covering their own defeat, hunt a thousand excuses, and delay others who would immediately join.

I am now without an army, but still have hope, and if left single-handed and alone, I will keep the enemy in my neighborhood uneasy and on guard.

* * * * * * *

Yours, most respectfully,

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

[Ibid., p. 727.]

What with the disbandment of the old regiments, the organization of new ones for the State service, and the formation of volunteer regiments for the service of the Confederate States, to be treated in this paper under a separate head, the Missouri State Guard appears to have been at this time in a chaotic condition. The complex character of the command is illustrated by the following:

GENERAL ORDERS, No. 47.

HEADQUARTERS MISSOURI STATE GUARD,
Camp on Cove Creek, Ark., February 23, 1862.

Brig. Gen. D. M. Frost is assigned to duty as the commander of the Seventh Division, in place of Brig. Gen. J. H. McBride, resigned. He will remain in command of the division until it contains twenty companies, when an election of a brigadier-general will be ordered. General Frost will also have the command of the Third Brigade of Missouri Volunteers.

By order of Maj. Gen. S. Price:

WM. H. BRAND,
Acting Assistant Adjutant-General.

[Ibid., p. 755.]

On April 8, 1862, at his headquarters at Des Arc, Ark., Maj. Gen. Sterling Price retired from the Missouri State Guard, which he had commanded since its organization. He had been commissioned a major-general in the Confederate service, and had been followed into that service by five thousand of those who had fought with him under the State flag. He appealed to others to go with them. His address on this occasion was as follows:

GENERAL ORDERS, No. 79.

HEADQUARTERS MISSOURI STATE GUARD,
Des Arc, Ark., April 8, 1862.

Soldiers of the State Guard:

I command you no longer. I have this day resigned the commission which your patient endurance, your devoted patriotism, and your dauntless bravery have made so honorable. I have done this that I may the better serve you, our State, and our country; that I may the sooner lead you back to the fertile prairies, the rich woodlands, and majestic streams of our beloved Missouri; that I may the more certainly restore you to your once happy homes and to the loved ones there.

Five thousand of those who have fought side by side with us under the Grizzly Bears of Missouri have followed me into the Confederate camp. They appeal to you, as I do, by all the tender memories of the past, not to leave us now, but to go with us wherever the path of duty may lead, till we shall have conquered a peace, and won our independence by brilliant deeds upon new fields of battle.

Soldiers of the State Guard! Veterans of six pitched battles and nearly twenty skirmishes! Conquerors in them all! Your country, with its "ruined hearths and

shrines," calls upon you to rally once more in her defense, and rescue her forever from the terrible thraldom which threatens her. I know that she will not call in vain. The insolent and barbarous hordes which have dared to invade our soil and to desecrate our homes have just met with a signal overthrow beyond the Mississippi. Now is the time to end this unhappy war. If every man will but do his duty, his own roof will shelter him in peace from the storms of the coming winter.

Let not history record that the men who bore with patience the privations of Cowskin Prairie, who endured uncomplainingly the burning heat of a Missouri summer, and the frosts and snows of a Missouri winter; that the men who met the enemy at Carthage, at Oak Hills, at Fort Scott, at Lexington, and in numberless lesser battlefields in Missouri, and met them but to conquer them; that the men who fought so bravely and so well at Elkhorn; that the unpaid soldiery of Missouri were, after so many victories and after so much suffering, unequal to the great task of achieving the independence of their magnificent State.

Soldiers! I go but to mark a pathway to our homes. Follow me!

STERLING PRICE.

[Ibid., p. 814.]

In accepting General Price's resignation of his State commission Governor Jackson referred to him in the following complimentary terms:

The commander in chief takes this occasion to express his sincere regret to the Missouri State Guard at the loss of so gallant, experienced, and distinguished an officer from their councils, and to encourage them in such a performance of their duties in the future as will keep bright the fame they have so nobly won under his leadership.

[Ibid., p. 813.]

On the same date, April 8, 1862, the governor assigned Brig. Gen. M. M. Parsons, the senior division commander, to the command of all the Missouri State Guard then in the field, with instructions to organize them into companies, battalions, and regiments, "according to law." The governor's order is as follows:

GENERAL ORDERS, No. 26.

HEADQUARTERS ADJUTANT-GENERAL'S OFFICE, MISSOURI STATE GUARD, *Des Arc, Ark., April 8, 1862.*

I. Brig. Gen. M. M. Parsons is hereby specially detailed to the command of all the Missouri State Guard now in the field, and will immediately organize them into companies, battalions, and regiments, according to law.

II. The army corps to be thus organized will consist exclusively of infantry and artillery.

III. The general commanding will report as soon as practicable the entire force in the Missouri State Guard now remaining, rank and file.

By order of the Governor:

WARWICK HOUGH,
Adjutant-General of Missouri.

[Ibid., p. 814.]

On assuming command, pursuant to the preceding order, General Parsons issued the following:

GENERAL ORDERS, No. 1.

HEADQUARTERS MISSOURI STATE GUARD, *Des Arc, Ark., April 9, 1862.*

I. By order of the governor of the State of Missouri, bearing date April 8, 1862, I have this day assumed the command of the Missouri State Guard.

II. The above-mentioned troops will be immediately organized into companies, battalions, and regiments, according to the laws of the State of Missouri.

III. Lieutenant-Colonel Shields is hereby detailed as inspector to muster and report the troops to these headquarters.

IV. Generals of divisions will report immediately the entire force of their respective commands.

V. Division quartermasters, or, in their absence, regimental quartermasters, will immediately report all horses, mules, wagons, tents, camp equipage, and other property in their respective commands and belonging to the State of Missouri. They

will also especially report all State property which has been transferred to the armies of the Confederate States.

VI. Division ordnance officers will forthwith report all arms, ammunition, and artillery now belonging to the State of Missouri, and also all arms, ammunition, and artillery which may have been transferred to the Confederate Army.

VII. Generals of division will cause the pay rolls of their respective commands to be made out and certified to without delay, as the funds for their payment are daily expected.

VIII. Col. Joseph Kelly will, until further orders, assume command of the Sixth Division of Missouri State Guard.

By order of M. M. Parsons, brigadier-general, commanding Missouri State Guard:

AUSTIN M. STANDISH,
Assistant Adjutant-General.

[Ibid., p. 815.]

On the following day an order was issued by Maj. Gen. Earl Van Dorn, relieving the Missouri State Guard from duty with his army; but this order, having been issued through a misunderstanding of Governor Jackson's intention with regard to the control of the State force, was promptly revoked. Owing to a then existing emergency, however, the contemplated reorganization of the State Guard was temporarily deferred. The orders of General Van Dorn are as follows:

SPECIAL ORDERS, No. 46. HEADQUARTERS TRANS-MISSISSIPPI DISTRICT, *Des Arc, Ark., April 10, 1862.*

* * * * * * *

III. In consequence of the governor of Missouri having assumed the control of the Missouri State Guard and its organization, it is hereby relieved from further duty with this army, and will report for orders to his excellency.

By order of Maj. Gen. Earl Van Dorn:

D. H. MAURY,
Assistant Adjutant-General.

[Ibid., p. 816.]

SPECIAL ORDERS, No. 48. HEADQUARTERS TRANS-MISSISSIPPI DISTRICT, *Des Arc, Ark., April 11, 1862.*

The major-general commanding this district has ascertained, in an interview with Governor Jackson, of Missouri, that it was not his excellency's intention, by his order of the 8th instant, to assume control over the troops of the Missouri State Guard now in this army. Therefore Paragraph III, of Special Orders, No. 46, is hereby revoked.

The present emergency demands the immediate services of every soldier of the army, and does not admit of the delay which will be unavoidable in making changes of organization. Therefore the reorganization of the Missouri State Guard, now serving under the orders of the major-general commanding this district, will be deferred until the earliest moment compatible with the interest of the service.

By order of Maj. Gen. Earl Van Dorn:

DABNEY H. MAURY,
Assistant Adjutant-General.

[Ibid., Series I, Vol. XIII, p. 814.]

It appears that the Missouri State Guard became an integral part of the Army of the West, under the command of Major-General Van Dorn, and that it was transferred to the east side of the Mississippi River, thus diverting it from the service for which it was organized, viz, the defense of the State of Missouri. The "emergency" which delayed its reorganization, however, appears to have passed, and on the 18th of April General Van Dorn issued the following order:

SPECIAL ORDERS, No. 55. HEADQUARTERS ARMY OF THE WEST, *Memphis, Tenn., April 18, 1862.*

* * * * * * *

II. The troops of the Army of the West, known as the Missouri State Guard, will at once be organized into companies, battalions, and regiments, in conformity to the laws of Congress.

Those who have been, or may hereafter be, enrolled into the Confederate service will in like manner be organized in companies, battalions, and regiments.

Major-General Price, to whose division these troops belong, is charged with the execution of this order.

By order of Maj. Gen. Earl Van Dorn:

DABNEY H. MAURY,
Assistant Adjutant-General.

[Ibid., Series I, Vol. X, Part II, p. 428.]

On the 29th of April General Van Dorn thus addressed the governor of the State:

HEADQUARTERS ARMY OF THE WEST,
Memphis, Tenn., April 29, 1862.

C. F. JACKSON, *Governor of Missouri.*

GOVERNOR: I have the honor to inform you that I have just learned that a battle near Corinth is imminent. This and other considerations induce me to say that unless the organization of the State Guard is completed to-morrow it will be impossible for me to provide any further for them.

The army has nearly all gone on. I go in the morning. If the organization of the guard is completed to-morrow it will at once be on the same footing as the other troops of the Confederacy with respect to supplies of every description. I hope, sir, that in the coming battle the country will not lose the services of so gallant a corps as that under your command.

With great respect, your obedient servant,

EARL VAN DORN, *Major-General.*

[Ibid., p. 465.]

It will be observed that General Van Dorn's orders contemplated the organization of the State Guard in conformity with the laws of the Confederate Congress, and that in his letter to Governor Jackson he referred to them as "troops of the Confederacy." Whether they were actually reorganized under the Confederate statutes does not appear of record, but that they retained their status as State troops is shown by subsequent correspondence and orders.

On June 18, 1862, the Missouri State Guard was relieved from duty in the Army of the West, in an order of which the following is a copy:

SPECIAL ORDERS, No. 117.

HEADQUARTERS ARMY OF THE WEST,
Priceville, Miss., June 18, 1862.

* * * * * * *

II. The troops under the command of Gen. M. M. Parsons, known as the Missouri State Guard, are relieved from duty with this army and will prepare to march to-morrow with eight days' rations. The Confederate troops under General Parsons will, if artillery, report to the commanding officer of the artillery brigade; if infantry or cavalry, will report to the commanding officer of their division (General Little). A battery of four pieces of artillery will march with them. The rest of the artillery of Parsons's brigade will be turned over to the chief of artillery, or such officers as he may order to receive it, who will give the necessary receipts for the same. General Parsons will cause descriptive lists to be furnished to the Confederate troops under his command.

By order of Maj. Gen. Earl Van Dorn:

M. M. KIMMEL, *Assistant Adjutant-General.*

[Ibid., Series I, Vol. XVII, Part II, p. 610.]

Referring to this order, Lieut. Col. George William Brent, writing on the same date from headquarters Western Department, said:

The troops that have been discharged from the army of Major-General Van Dorn are not in the service of the Confederate States Army, but Missouri State Guard. All such troops may be allowed to go hence.

[Ibid., p. 609.]

On the 13th of July, the Missouri State Guard was relieved from further service east of the Mississippi River and ordered to join the

command of Major-General Hindman in the Trans-Mississippi District. General Bragg, by whom this order was given, took occasion to express his appreciation of the soldierly qualities of the State troops. His order is as follows:

SPECIAL ORDERS, No. 115.

HEADQUARTERS DEPARTMENT No. 2,
Tupelo, Miss., July 13, 1862.

I. The Missouri State Guard, under command of Brig. Gen. M. M. Parsons, are relieved from further service east of the Mississippi River, and will proceed with the least practicable delay to join the forces of Major-General Hindman as soon as practicable. The general commanding desires to express to General Parsons and his gallant officers and men his high appreciation of their patriotic devotion to the cause in which we are engaged, which has ever distinguished the citizens of Missouri in the armies of the Confederate States.

II. The quartermaster's department will furnish the necessary means of transportation to facilitate the earliest possible execution of this order.

By command of General Bragg:

THOMAS JORDAN, *Chief of Staff.*

[Ibid., Series I, Vol. XIII, p. 855.]

Soon after their return to the region west of the Mississippi, measures were adopted having for their object the transfer of the State Guard to the Confederate service. Col. Waldo P. Johnson, a recruiting agent for the Confederate Government, writing to General Price, September 15, 1862, said:

LITTLE ROCK, ARK., *September 15, 1862.*

Maj. Gen. STERLING PRICE.

GENERAL: I arrived here about one week since, reported to Major-General Holmes, who confirmed and enlarged my authority, modifying it in one particular only, requiring me to report to him alone officially the result of my efforts at recruiting in Missouri, and requesting me at the same time to advise you of the change. * * * On yesterday the governor arrived, and after a long interview between the governor and general, at which I was present, the governor turned over to General Holmes all the State property at this place, embracing a large amount of clothing and other army stores; also all now in Mississippi. The governor also made an order turning over all the State Guards now in Missouri to the Confederate States, requiring them to report to me, withdrawing from all persons all power to recruit in future for the Missouri State Guard. I have not seen General Parsons, but arrangements are on foot to turn his entire command over to the Confederate States service, and I think it will be successful, as Governor Jackson, General Hindman, and General Parsons are all trying to effect it in a manner satisfactory to the men.

* * * * * * *

WALDO P. JOHNSON.

[Ibid., p. 880.]

No orders issued by the governor on the subject of the proposed transfer have been found of record, and whether or not the Missouri State Guard was actually turned over to the Confederate authorities has not been ascertained, but no record of their existence as a distinct military organization subsequent to the date of Colonel Johnson's letter has been discovered. As will hereafter be seen, however, an appropriation was made a few days later by the Confederate Congress, and one at a still later date, for the payment of State Guard troops serving the Confederacy under orders from military commanders and by agreement between the Confederate and State authorities. It would seem from the terms of these appropriations that the service thus rendered was not as officers and enlisted men of the Confederate Army, but as State militia in the service of the Confederate States.

Some of the methods adopted and the difficulties encountered in obtaining recruits for the Missouri State Guard have already been

shown in these pages. It may, however, be of interest to quote further testimony on this subject.

On the 30th of August, 1861, ten days after the issue by Major-General Price of his proclamation (that of August 20, 1861) to the people of Missouri, Major-General Frémont, commanding the United States forces in that State, issued a proclamation in which he declared, among other things, that all persons who should be taken with arms in their hands within the lines of his army would be tried by court-martial, and if found guilty would be shot, and the property of those who should take arms against the United States or should be proven to have taken an active part with the enemies of the United States in the field was declared confiscated to the public use, and their slaves, if any, were declared free. (Official Records of the Union and Confederate Armies, Series II, Vol. I, p. 221.) In answer to this proclamation, Brig. Gen. M. Jeff. Thompson, commanding the First Military District, Missouri State Guard, promulgated the following:

PROCLAMATION.

HEADQUARTERS FIRST MILITARY DISTRICT, MISSOURI STATE GUARD,
Camp Hunter, September 2, 1861.

To whom it may concern:

Whereas, Maj. Gen. John C. Frémont, commanding the minions of Abraham Lincoln in the State of Missouri, has seen fit to declare martial law throughout the whole State, and has threatened to shoot any citizen soldier found in arms within certain limits, also to confiscate the property and free the negroes belonging to the members of the Missouri State Guard; therefore, know ye that I, M. Jeff. Thompson, brigadier-general of the First Military District of Missouri, having not only the military authority of brigadier-general, but certain police powers granted by Acting Governor Thomas C. Reynolds, and confirmed afterwards by Governor Jackson, do most solemnly promise, that for every member of the Missouri State Guard or soldier of our allies, the armies of the Confederate States, who shall be put to death in pursuance of said order of General Frémont, I will hang, draw, and quarter a minion of said Abraham Lincoln.

While I am anxious that this unfortunate war shall be conducted, if possible, upon the most liberal principles of civilized warfare, and every order that I have issued has been with that object, yet if this rule is to be adopted (and it must first be done by our enemies), I intend to exceed General Frémont in his excesses and will make all tories that come in my reach rue the day that a different policy was adopted by their leaders. Already mills, barns, warehouses, and other private property have been wastefully and wantonly destroyed by the enemy in this district while we have taken nothing except articles strictly contraband or absolutely necessary. Should these things be repeated I will retaliate tenfold, so help me God.

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

[Ibid., Series II, Vol. I, p. 181.]

It may be stated that the confiscation and emancipation features of General Frémont's proclamation were promptly repudiated and set aside by President Lincoln. (Official Records of the Union and Confederate Armies, Series I, Vol. III, p. 485.)

Of the methods employed by General Price in obtaining recruits for his army and the obstacles encountered, he wrote, December 31, 1861:

HEADQUARTERS MISSOURI STATE GUARD,
Springfield, December 23, 1861.

Major-General POLK, *Columbus, Ky.*

GENERAL: I acknowledge with very great pleasure the receipt of your letter of the 4th instant.

* * * * * * *

There are two main obstacles in the way of the successful prosecution of the war in this State, one of which ought to have been long since overcome, and the other of which ought never to have existed, and the present existence of both of which

is due mainly, if not altogether, to the conduct of General McCulloch: First, the fact that the great majority of those who desire to take up arms on the part of the South are prevented from doing so by the enemy's occupation of the State, which closes to them every avenue of approach to my army, and, second, the dissatisfaction which General McCulloch's constant refusal to cooperate with us has engendered in the minds of the people of Missouri, and which leads them to doubt whether the Confederate Government really sympathizes with and desires to aid them.

The most populous and truest counties of the State lie upon or north of the Missouri River. Had General McCulloch, in response to my earnest entreaties, accompanied me to that river immediately after the battle of Springfield, we could easily have maintained our position there until my army (which was, in fact, augmented from less than 6,000 to more than 16,000 men during the few days we lay there) would have been increased to at least 50,000, and four-fifths of the State would have fallen without a struggle into our possession. As it was, however, I was soon threatened by overwhelming numbers and compelled to fall back again to the southern border of the State, and thousands of those who had flocked to my standard, feeling that they had been betrayed and abandoned by the Confederate Government, returned to their homes discontented and disheartened.

Again, after the late retreat of the army from the southwest, I begged General McCulloch to accompany me to the Missouri, and he again refused to do so. I started thither with my own army and reached the Osage just as the time of service of three-fourths of my own men was expiring. Nearly every one of them had left his home months before without an hour's notice, leaving their families unprotected and unprovided for. A severe winter was at hand; the men were themselves badly clad, and not one of them had ever received a dime in payment of his services. Many of them insisted upon going home for a few weeks to procure clothing for themselves and make some provision for the comfort of their families, who were exposed, not only to the severities of a Missouri winter, but to the fury of an enemy whose barbarity can not be described.

I could not refuse their reasonable request, and my army became so small that it would have been highly perilous for me to have crossed the Osage, threatened as I was from Kansas, from Sedalia, and from Rolla. Knowing, however, that thousands of the people on the north side of the Missouri would come to me, even at this season, if I could but open the way for them, I sent a detachment of 1,100 men to Lexington, which, after remaining only a part of one day, gathered together about 2,500 recruits and escorted them in safety to me at Osceola. Could the detachment have remained on the river only a few days longer the number of recruits would have been indefinitely increased; but the enemy, having gotten insight into the movement, concentrated their forces against it and compelled it to return. There are many counties north of the river in which organized companies of from 500 to 1,500 are now ready to join and are only waiting an opportunity to do so.

* * * * * * *

We may yet make this winter campaign result in the deliverance of Missouri, or at least in great good to our cause. I will have at least 20,000 men under my command in a very short time, and will gladly unite with you in a movement on St. Louis, as suggested by you. If you will mature your plans and communicate them to me you will be seconded in the execution of them, not only by myself, but by every man in my army, and whether we succeed in the main object or not, we will accomplish a great deal. Our people will see that the Government really desires to assist them. Their way to the army will at the same time be opened to them by the withdrawal of the enemy's forces from the rest of the State for the protection of St. Louis, and they will come to us from every quarter by hundreds and by thousands. I am informed, too, that there are over 6,000 men in St. Louis ready to spring to arms at the first gleam of hope. I do, therefore, hope you will find it expedient to undertake the execution of your bold and well-conceived plan. You will have my hearty cooperation. The bearer, Mr. Burton, will inform you more particularly of the strength of my army.

I have the honor to be, general, with the greatest respect, your obedient servant,

STERLING PRICE,
Major-General, Missouri State Guards.

[Ibid., Series I, Vol. VIII, p. 729.]

But the difficulties experienced in recruiting the army were not the only ones to be met and overcome. Notwithstanding the provisions made in the State laws, quoted in this chapter, for the support of the militia, the authorities were greatly embarrassed by the lack of funds

for the equipment and subsistence of the troops and other necessary expenses of conducting military operations. On this subject Gen. Gideon J. Pillow, the Confederate commander of the "Army of Liberation," said in a letter to General Polk, August 8, 1861:

HEADQUARTERS ARMY OF LIBERATION,
New Madrid, August 9, 1861.

[General POLK.]

GENERAL: * * * The Missouri forces are in the most inefficient possible condition. The authorities of the State have no funds, no means of subsisting the forces of the State; they have no regular organization of staff officers; they have no means of subsistence except such as is *taken* by them from the inhabitants of the country. There is no one authorized to give certificates for these seizures, and if this system of illegal seizures should be kept up, it will turn the feelings of the best friends of the South in the country against our cause. But, independent of this, it will be impossible to keep the Missouri forces in the field; they will disband, and in their present condition I would not blame them for doing so.

To obviate this difficulty I have determined to accept any of these troops who will accept service in the Confederate Army for and during the war.

* * * * * * *

GID. J. PILLOW, *General, Commanding.*

[Ibid., Series I, Vol. III, p. 639.]

Other testimony to the same effect is not lacking. Some relief was, however, provided by the Confederate Congress, which, on August 6, 1861, appropriated $1,000,000 for the purchase of clothing, subsistence, and ammunition for the Missouri troops serving in cooperation with those of the Confederate States. The act by which the appropriation was made is as follows:

AN ACT to give aid to the people and State of Missouri.

The Congress of the Confederate States of America do enact, That to aid the people of the State of Missouri in the effort to maintain, within their own limits, the constitutional liberty which it is the purpose of the Confederate States in the existing war to vindicate, there shall be, and is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, $1,000,000 to supply clothing, subsistence, arms, and ammunition to the troops of Missouri who may cooperate with those of the Confederate States during the progress of the existing war; said sum to be expended under the discretion of the President of the Confederate States for the purposes aforesaid.

Approved, August 6, 1861.

[Ibid., Series I, Vol. LIII, p. 721.]

And in the convention entered into between the Confederate States and the State of Missouri, October 31, 1861, quoted in the preceding chapter, it was provided:

ART. IV. All expenditures for the prosecution of the existing war incurred by the State of Missouri from and after the date of the signing of this convention shall be met and provided for by the Confederate States.

[Ibid., p. 754.]

In an act of the Confederate Congress approved January 27, 1862, the secretary of the Confederate treasury was directed to advance to the State of Missouri $1,000,000, to be applied to the payment of the troops in the service of the State prior to their muster into the Confederate service, and in an act approved February 15, 1862, an additional advance of $1,000,000 was authorized for "military purposes" not specified. Following are copies of the enactments referred to:

AN ACT for the relief of the State of Missouri.

The Congress of the Confederate States of America do enact, That the Secretary of the Treasury is hereby directed to issue to the State of Missouri, upon the application of

the fund commissioners for said State, $1,000,000 in treasury notes, upon the condition that the said State of Missouri deposit with the Secretary of the Treasury of the Confederate States an equal sum in the bonds of the State of Missouri, authorized to be issued under an act of the legislature of said State, entitled "An act to provide for the defense of said State, and for other purposes," which bonds shall be held by the Secretary of the Treasury until the accounts of the State of Missouri for advances made for military purposes are adjusted as Congress may direct.

SEC. 2. That upon the final adjustment of the accounts of the State of Missouri against the Confederate States, the sum hereby advanced shall be deducted from the amount found due to said State.

SEC. 3. The sum hereby appropriated shall be applied by the State of Missouri to the payment of troops in the service of the said State prior to their muster into the Confederate service.

Approved, January 27, 1862.

[Ibid., Series IV, Vol. I, p. 882.]

AN ACT for the relief of the State of Missouri.

The Congress of the Confederate States of America do enact, That the Secretary of the Treasury is hereby directed to issue to the State of Missouri, upon the application of the fund commissioners for said State, $1,000,000 in treasury notes, upon the condition that the said State of Missouri deposit with the Secretary of the Treasury of the Confederate States an equal sum in the bonds of the State of Missouri, authorized to be issued under an act of the legislature of said State, entitled "An act to provide for the defense of the State of Missouri, and for other purposes," which bonds shall be held by the Secretary of the Treasury until the accounts of the State of Missouri for advances made for military purposes are adjusted as Congress may direct.

SEC. 2. That upon the final adjustment of the accounts of the State of Missouri against the Confederate States the sum hereby advanced shall be deducted from the amount found due to said State.

Approved, February 15, 1865.

[Ibid., p. 939.]

In a later act, approved September 23, 1862, heretofore referred to in this paper, provision was made for the payment of officers and enlisted men of the Missouri State Guard who had been called into the service of the Confederate States by military commanders, or by agreement between the authorities of the State and the Confederate States, their pay to be the same that they would have been entitled to receive "if belonging to the Confederate Army." That portion of the act containing this provision is here quoted:

AN ACT to provide for the payment of certain claims against the Confederate States in the State of Missouri.

* * * * * * *

SEC. 2. All officers and soldiers of the Missouri State Guard, called into the service of the Confederate States by the order of any commanding officer of the Confederate Army, and rendering service to the Confederate States under any agreement made between the authorities of the State of Missouri and those of the Confederate States, shall receive the same pay for the time during which such officers and soldiers may have been in such service as they would have been entitled to receive if belonging to the Confederate Army: *Provided, however*, That all staff officers belonging to said Missouri State Guard shall only receive for their services the same compensation with staff officers discharging like duties in the Confederate Army.

* * * * * * *

Approved, September 23, 1862.

[Ibid., Series IV, Vol. II, p. 91.]

Finally, by an act approved April 16, 1863, provision was made for the payment of members of the Missouri State Guard "after their

transfer to the Confederate States," who, for certain reasons, had not received their pay. This act reads as follows:

AN ACT for the relief of certain officers and soldiers from the State of Missouri.

The Congress of the Confederate States of America do enact, That the sum of $75,000 be, and is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to pay the officers and men of the Missouri State Guard (after their transfer to the Confederate States) who, from imprisonment, absence, and other accidental causes, have not received their pay, under such rules and regulations as the Secretary of War may prescribe.

Approved, April 16, 1863.

[Ibid., p. 496.]

The military force known as the Missouri State Guard was peculiar, if not unparalleled in the history of the civil war, in that it formed the army of a State which was declared by its chief magistrate to be a "sovereign, free, and independent republic," having "full power to levy war, conclude peace, contract alliances, establish commerce, and do all other things which independent States may of right do," and as such independent republic formed an alliance, offensive and defensive, with the Confederate States.

That these troops rendered gallant service is abundantly shown by the official reports, and to the testimony already recorded in these pages may be added that of the Confederate Congress in a resolution, approved December 3, 1861, of which the following is a copy:

A RESOLUTION of thanks to Maj. Gen. Sterling Price and the officers and soldiers under his command for gallant and meritorious conduct in the present war.

Be it resolved by the Congress of the Confederate States of America, That the thanks of the people of the Confederate States are eminently due, and are hereby tendered, to Maj. Gen. Sterling Price and the Missouri army under his command for the gallant conduct they have displayed throughout their service in the present war, and especially for the skill, fortitude, and courage by which they gained the brilliant achievement at Lexington, Mo., resulting, on the 20th day of September last, in the reduction of that town and the surrender of the entire Federal army there employed.

Be it further resolved, That a copy of this resolution be communciated by the President to General Price, and through him to the army then under his command.

Approved, December 3, 1861.

[Ibid., Series I, Vol. LIII, p. 758.]

In the absence of the official returns, the number of men who served in the Missouri State Guard during the period of its service can not be correctly stated, and there are no records on file in the War Department from which the number can be approximated with any degree of accuracy. That the number was large is evident from the documents quoted in this paper and from the number of organizations mentioned in the accompanying schedule, which, in the absence of the muster rolls, has been prepared from such official mention and other data as have been found of record. These schedules show a total of 27 regiments and 3 battalions of cavalry, 10 companies of artillery and 27 regiments and 11 battalions of infantry. At the minimum strength of company organizations and the minimum number of companies to a regiment, as fixed by the State law, these would represent a total of about 17,500 men. But it is reasonable to suppose that some of the companies and regiments were of the maximum strength, and that large numbers of recruits were received to supply losses from the casualties of the service. Considering this in connection with the fact that the schedule probably does not include all of the organizations actually in existence, it is evident that the numbers of the Missouri State Guard were very much in excess of the possible minimum above given.

MISSOURI VOLUNTEERS, CONFEDERATE SERVICE.

Although the early efforts of the authorities of the State of Missouri were directed mainly toward the organization of the Missouri State Guard, a military force formed for the service and in defense of the State of Missouri, measures were simultaneously taken having for their object the enlistment of Missouri volunteers for the Confederate service. As early as April 15, 1861, Col. M. Jeff. Thompson of the Missouri militia, subsequently a brigadier-general of the Missouri State Guard, offered to the President of the Confederate States the services of several companies of Missouri volunteers. His offer was made in the following terms:

ST. JOSEPH, MO., *April 15, 1861.*

His Excellency JEFFERSON DAVIS,
President of the Confederate States, Montgomery, Ala.

SIR: Not knowing the name of your adjutant-general or any other proper person to make the inquiries of which I desire, I have taken the liberty of addressing you direct.

I am anxious to know whether the Confederate States desire volunteers from the border States, and if there is any regular arrangement for their reception, or whether it is necessary to have any authority from your government before volunteers should be raised.

My object in asking is that, should Missouri refuse to join her Southern sisters, I desire and intend to move South, and I can, if acceptable, bring one, two, or three companies of as good and true men as the Southern sun ever shone on, if I can assure them that their officers will be confirmed and commissioned by your government.

* * * * * * *

Yours, respectfully,

M. JEFF. THOMPSON,
Colonel, Inspector Fourth Military District, Missouri Militia.

[Official Records of the Union and Confederate Armies, Series I, Vol. I, p. 684.]

To this letter the Confederate War Department replied, April 29, 1861, advising Colonel Thompson that in the opinion of the department the time was rapidly approaching when, with the concurrence of the governor of Missouri, military assistance might be accepted from that State by the Confederate authorities. It was therefore advised that companies, battalions, and regiments be organized and held in readiness for future service. Following is a copy of the War Department letter:

WAR DEPARTMENT, CONFEDERATE STATES OF AMERICA,
Montgomery, April 29, 1861.

Col. M. J. THOMPSON, *St. Joseph, Mo.*

SIR: Your letter of the 15th of April, addressed to the President, has been referred to this Department, and I am instructed by the Secretary of War to say, in answer to

your proposition, that the time is rapidly approaching, in his opinion, when, with the concurrence of the governor of Missouri, military assistance may be accepted from that State by the Confederate States. In view of this gratifying fact, those among you sympathizing with our cause would do well to organize military companies, battalions, and regiments and hold them in readiness for action against our incendiary foe, equally hostile to the entire South.

I am, very respectfully, your obedient servant,

JOHN TYLER, Jr.

[Ibid., p. 689.]

Three days before this response to Colonel Thompson's offer the Confederate Secretary of War had called upon Governor Jackson for a regiment of infantry for service in Virginia. His letter is as follows:

MONTGOMERY, *April 26, 1861.*

Governor C. F. JACKSON, *Jefferson City, Mo.:*

Can you arm and equip one regiment of infantry for service in Virginia, to rendezvous at Richmond? Transportation will be provided by this government. The regiment to elect its own officers, and must enlist for not less than twelve months, unless sooner discharged.

L. P. WALKER.

[Ibid.]

Governor Jackson replied, in effect, that the State of Missouri was yet in union with the Government of the United States; that he had therefore no legal authority to furnish the men desired, and that the State was deficient in arms, but that there were plenty of men ready and willing to march to the defense of the South, and Missouri would put 100,000 men in the field, if required. Following is a copy of his letter:

EXECUTIVE DEPARTMENT,
Jefferson City, Mo., May 5, 1861.

Hon. L. P. WALKER,
Secretary of War, Montgomery.

SIR: Yours of the 26th ultimo, via Louisville, is received. I have no legal authority to furnish the men you desire. Missouri, you know, is yet under the tyranny of Lincoln's Government, so far, at least, as forms go. We are woefully deficient here in arms, and can not furnish them at present; but so far as men are concerned we have plenty of them, ready, willing, and anxious to march at any moment to the defense of the South. Our legislature has just met, and I doubt not will give me all necessary authority over the matter. If you can arm the men they will go whenever wanted, and to any point where they may be most needed. I send this to Memphis by private hand, being afraid to trust our mails or telegraphs. Let me hear from you by the same means. Missouri can and will put 100,000 men in the field if required. We are using every means to arm our people, and until we are better prepared must move cautiously. I write this in confidence.

With my prayers for your success, I remain, very respectfully, your obedient servant,

C. F. JACKSON, *Governor of Missouri.*

[Ibid., p. 690.]

On the 6th of May Colonel Thompson, of the Missouri militia, again addressed the President, advising him that he was then of the opinion that he and his men would be needed at home. He said:

HEADQUARTERS FOURTH MILITARY DISTRICT,
MISSOURI VOLUNTEER MILITIA, CAMP C. F. JACKSON,
Near St. Joseph, Mo., Monday, May 6, 1861.

His Excellency JEFFERSON DAVIS,
President of the Confederate States, Montgomery, Ala.

SIR: Your favor of the 25th ultimo has been received, and I am thankful for your courtesy. I hope, and have reasonable expectations now, that Missouri will soon wheel into line with her Southern sisters, in which case I and my men will be needed here at home. I believe that this portion of Missouri (north of the Missouri

River) will be the principal battle ground between the North and the South, as St. Joseph, with its railroad connections, is the key to Kansas, New Mexico, Jefferson [?], and Utah, and we have already been notified that the North has determined to hold this portion of the State, even though they lose all the rest of the slaveholding States, and they will either cover it over with dollars or blood, and the choice is for us to make. I have eight companies here in a camp of instruction by order of our governor, and can assure you that they are all Blue Cockade boys, and if our leaders are disposed to sell this territory for money our blood will remain at your service.

Yours, most respectfully,

M. JEFF. THOMPSON,
Colonel, Inspector of Fourth Military District.

[Ibid.]

Under date of July 6, 1861, Hon. E. C. Cabell strongly urged upon the Confederate Government the invasion of Missouri by the Confederate forces and the organization of Missouri troops for the Confederate service. His letter to the President on this subject is as follows:

RICHMOND, VA., *July 6, 1861.*

His Excellency JEFFERSON DAVIS,
President of Confederate States of America.

SIR: If not inconsistent with your views of constitutional powers, and if you have the troops at your command, I respectfully recommend that at least 10,000 well-appointed troops be concentrated on the northern border of Arkansas at the earliest practicable moment, within the military district of Brigadier-General Hardee, and a like number, if possible, within the department of Major-General Polk, and that both of these officers be distinctly authorized to enter the State of Missouri, to drive back and to pursue the enemy now threatening the invasion of Arkansas and a descent on Tennessee, as far into Missouri as they deem prudent and advisable. I would also respectfully ask that more specific instructions be given to General McCulloch, authorizing him to enter the State of Missouri with the same object and for the same purpose. None but the enemies of the Confederate States and of Missouri will protest against this—none others will object; but all whose wishes you would respect invite and will cordially welcome your troops in the State. I make this request because I have reason to know that the instructions to these officers are of so guarded a character as to produce doubt as to their authority and embarrassment as to their movements.

I also respectfully recommend that, if practicable, the troops destined to operate in north Arkansas and Missouri be armed with muskets with bayonets and that an extra amount of field artillery be sent with them. Any army you may send will be immediately reenforced to any extent you may desire by Missourians, armed with the ordinary guns and rifles of the country, and volunteers from that State will be on the spot to serve all the field pieces your army may have. There will also be at hand as many cavalry as you may want, but not regularly equipped. The Missourians will furnish promptly men and horses enough to drive every man of the enemy's forces far from Arkansas and back into Illinois. They want arms and organization, especially muskets with bayonets and field artillery. Under command of the accomplished generals you have sent to Arkansas organizatfon will soon be effected, and the deficiency of small arms, which you can not furnish, will be partially, and perhaps effectively, supplied by the private arms of the Missouri volunteers. In this way, I confidently believe, the enemy may be driven out of Missouri, and thus the safety of Arkansas and Tennessee and of the whole valley of the Mississippi be effectually secured; for the troops of Mr. Lincoln will never venture to descend the river with an enemy in their rear so powerful as the State of Missouri in arms against them and threatening Illinois and Iowa. Thus may the military operations be transferred from Arkansas and Tennessee to Missouri, and the battles of those States be fought on Missouri soil, to which the people of Missouri cordially invite you.

The danger of the invasion of Arkansas and the difficulty of driving back the enemy's forces threatening that State have been greatly increased by the delay, for the most part unavoidable, in sending troops to north Arkansas. Three weeks ago half the number would have accomplished the object, and every day's delay adds to the difficulties to be overcome. In view of the importance of prompt action and of the magnitude of the object to be effected, I trust you will pardon me for suggesting that a portion of the troops now organized and ready for the field in North Carolina, or some other of the Confederate States, be dispatched to General Hardee's command, and that General Polk be instructed to inquire if a portion of his command

now in Tennessee could not with advantage to the service be ordered to northeast Arkansas.

On the approach of any force you may order to the Missouri frontier the citizens of Missouri will, as I have intimated, flock to your standard. They, as well as the executive of the State, desire that the chief military operations in the State shall be under the direction of your commanding officers when they enter Missouri. I would therefore suggest that provision be made for a much larger force than you may send to Arkansas. There are thousands of Missourians willing and anxious to volunteer in the service of the Confederate States, with the expectation of being employed in repelling the threatened invasion of Arkansas, which they know can best, and indeed alone, be effected by driving back the enemy's forces now in Missouri and approaching the borders of Arkansas. Please inform me if you will receive volunteers from Missouri in companies or regiments, and how many and on what conditions. Their organization may be effected in Missouri, but if that is deemed unadvisable they may organize in Arkansas. More troops will certainly be wanted in that quarter, and I suggest that Missouri volunteers be organized and received, whether they can be armed at present or not. We hope that arms may be had soon, and when they come these troops will be on the spot, ready for action. Missouri can supply brave and loyal men, if organized and armed, not only to drive out the invaders of her soil, but enough to furnish 30,000 good soldiers to fight the battles of the Confederate States elsewhere. Colonel Bowen's regiment at Memphis is by this time full and with but few arms. It seems to me that there can be no more urgent demand for arms than to complete the arming of this regiment, which I recommend to be sent to General Hardee.

I have felt authorized to make these suggestions and recommendations in consequence of your invitation to do so at our last personal interview. Your consideration of them, and as early a reply as convenient, will greatly oblige me. I hoped before this to have received an answer to my communication of the 22d of June.

I have the honor to be, very respectfully, your obedient servant,

E. C. CABELL.

[Ibid., Series I, Vol. III, p. 603.]

To this letter the President replied:

RICHMOND, VA., *July 8, 1861.*

HON. E. C. CABELL.

SIR: I have the honor to acknowledge your several letters of June —, 1861, of July 6, 1861, and another of same date, marked private; also a printed copy of the proclamation of the governor of Missouri, bearing date June 12, 1861, which was inclosed in the first-named communication. The last paragraph of the proclamation does not quite accord with the general proposition submitted by you. Accept my thanks for the information furnished by you. Your recommendations, requests, and suggestions have been noted, and your letters referred to the Secretary of War for file and future reference. You have been heretofore advised of the sympathy I feel for the cause of Missouri, so graphically and feelingly described. Constant occupation leaves me little time for correspondence; but, were it otherwise, you surely would not expect me to reply to your requisitions by stating the force and stores of the Confederate States to show that your large wants could not now be supplied, or by discussing with you questions of the constitutional power of the Executive.

Very respectfully, yours,

JEFFERSON DAVIS.

[Ibid., p. 605.]

Prior to this correspondence, however, one regiment of Missouri volunteers had been accepted into the Confederate service. This regiment, Col. John S. Bowen's First Missouri Infantry, was organized June 22, 1861, at Memphis, Tenn., and was mustered into the service of the Confederate States for the period of twelve months. The specific authority for its organization has not been found of record, but it was probably organized and accepted under an act of the Confederate Congress, approved May 11, 1861, which provided, among other things,

that battalions and regiments might be enlisted from States not in union with the Confederacy. The text of this enactment is as follows:

AN ACT to make further provisions for the public defense.

Whereas, war exists between the United States and the Confederate States; and
Whereas, the public welfare may require the reception of volunteer forces into the service of the Confederate States without the formality and delay of a call upon the respective states: [Therefore,]

The Congress of the Confederate States of America do enact, That the President be authorized to receive into service such companies, battalions, or regiments, either mounted or on foot, as may tender themselves, and he may require, without the delay of a formal call upon the respective States, to serve for such time as he may prescribe.

SEC. 2. Such volunteer forces who may be accepted under this act, except as herein differently provided, shall be organized in accordance with and subject to all the provisions of the act entitled "An act to provide for the public defense," and be entitled to all the allowances provided therein; and when mustered into service may be attached to such divisions, brigades, or regiments as the President may direct, or ordered upon such independent or detached service as the President may deem expedient: *Provided, however*, That battalions and regiments may be enlisted from States not of this Confederacy, and the President may appoint all or any of the field officers thereof.

SEC. 3. The President shall be authorized to commission all officers entitled to commissions of such volunteer forces as may be received under the provisions of this act. And upon the request of the officer commanding such volunteer regiment, battalion, or company the President may attach a supernumerary officer to each company, detailed from the Regular Army for that purpose, and for such time as the President may direct.

Approved, May 11, 1861.

[Ibid., Series IV, Vol. I, p. 310.]

Further legislation followed, authorizing the organization for the Confederate service of troops from States not of the Confederacy. By an act of the Confederate Congress approved August 8, 1861, the President was authorized to grant commissions for the purpose of raising regiments and battalions to be composed of residents of certain border States, including the State of Missouri. Following is a copy of the act:

AN ACT to authorize the President of the Confederate States to grant commissions to raise volunteer regiments and battalions composed of persons who are or have been residents of the States of Kentucky, Missouri, Maryland, and Delaware.

The Congress of the Confederate States of America do enact, That the President of the Confederate States be, and he is hereby, authorized to grant commissions to officers above the grade of captain to such persons as he may think fit, to raise and command volunteer regiments and battalions for the service of the Confederate States, said regiments and battalions to be composed of persons who are or have been residents of the States of Kentucky, Missouri, Maryland, or Delaware, and who have enlisted or may enlist under said officers, upon the condition, however, that such officers shall not hold rank or receive pay until such regiments or battalions have been raised and are mustered into service.

Approved, August 8, 1861.

[Ibid., p. 536.]

The first legislative authority for the organization within the State of Missouri of volunteers for the Confederate service is, however, found in an act of the Confederate Congress, approved August 20, 1861, entitled "An act to aid the State of Missouri in repelling invasion by the United States, and to authorize the admission of said State as a member of the Confederate States of America, and for other purposes." This act, in so far as it relates to the admission of the State of Missouri to the Confederate States and the formation of a prelimi-

nary alliance between the Confederacy and the State of Missouri, has heretofore been quoted in this paper. That portion of the act relating to the admission of Missouri troops to the Confederate service is as follows:

Whereas, the people of the State of Missouri have been prevented by the unconstitutional interference of the Government of the United States from expressing their will through their legally constituted authorities in regard to a union with the Confederate States of America, and are now engaged in repelling a lawless invasion of their territory by armed forces; and

Whereas, it is the right and duty of the Confederate States to aid the people and government of the said State in resisting such invasion, and in securing the means and the opportunity of expressing their will upon all questions affecting their rights and liberties: Now, therefore,

The Congress of the Confederate States of America do enact, That the President of the Confederate States of America be, and he is hereby, authorized to cooperate through the military power of this Government with the authorities and the people of the State of Missouri in defending that State against a lawless invasion by the United States, and in maintaining the liberty and independence of her people, and that he be authorized and empowered, at his discretion, to receive and muster into the service of the Confederate States, in the State of Missouri, such troops of that State as may volunteer to serve in the Army of the Confederate States, subject to the rules and regulations of said Army, and in accordance with the laws of Congress; and said troops may be received into service by companies, battalions, or regiments, with their officers elected by the troops, and the officers so elected shall be commissioned by the President; and when mustered into service said companies, battalions, or regiments may be attached to such brigades or divisions as the President may determine; and the President shall have power to appoint field officers for all battalions and regiments organized out of separate companies mustered into service, and to add to battalions a sufficient number of separate companies to complete their organization into regiments, and to appoint the additional field officers necessary for the complete organization of the regiments so formed; and all vacancies that may occur amongst the commissioned officers of troops mustered into service under this act shall be filled in the manner provided in the act entitled "An act for the establishment and organization of the Army of the Confederate States of America," approved March 6, 1861.

* * * * * * *

Approved, August 20, 1861.

[Ibid., p. 576.]

A few days later, by an act approved August 30, 1861, the President was authorized to establish recruiting stations within the Confederate States for volunteers from Missouri and other border States. Following is a copy of the act:

AN ACT to authorize the establishment of recruiting stations for volunteers from the States of Kentucky, Missouri, Maryland, and Delaware.

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to establish recruiting stations within the Confederate States for the reception of volunteers into the military service of the Confederate States from among persons who are, or have been, residents of the States of Kentucky, Missouri, Maryland, and Delaware.

SEC. 2. That the President be authorized to grant commissions as captains to such persons as he may think fit to raise and command companies to be composed of such volunteers; upon the condition, however, that such officers shall not hold rank or receive pay until such companies have been raised and are mustered into service.

SEC. 3. Whenever such recruits shall amount to a sufficient number to be formed into companies, the President may direct the same to be so organized, appointing all commissioned officers of the several companies in addition to the captains provided for in the preceding section. And such companies may be organized into regiments in like manner under the direction of the President.

SEC. 4. Until such recruits shall amount to a sufficient number to be organized into companies, they shall receive no compensation except their clothing and rations.

Approved, August 30, 1861.

[Ibid., p. 585.]

On October 14, 1861, Brig. Gen. Ben. McCulloch, commanding the Confederate forces in Arkansas, urged the reorganization of the Mis-

souri forces (the Missouri State Guard) and their muster into the Confederate service. Writing to the Secretary of War he said:

CAMP JACKSON, ARK., *October 14, 1861.*

Honorable SECRETARY OF WAR.

SIR: I am just in receipt of a letter from Governor Jackson in which he informs me that his force has fallen back from Lexington to the Osage River, and that they are in great want of musket caps.

* * * * * * *

The sooner the Missouri forces are reorganized and mustered into the Confederate service the better, as they are at present not bound by any tie, and will remain in the field no longer than they think fit, no matter what may result from their withdrawal.

* * * * * * *

BEN. MCCULLOCH, *Brigadier-General, Commanding.*

[Ibid., Series I, Vol. III, p. 718.]

The convention between the Confederate States and the State of Missouri, entered into October 31, 1861, has been quoted in full in a preceding chapter. For the sake of convenience of reference, articles II and III of this agreement are here repeated:

ART. II. Until said State of Missouri shall become a member of said Confederacy the whole military force, material of war, and military operations, offensive and defensive, of said State shall be under the chief control and direction of the President of the Confederate States, upon the same basis, principles, and footing as if said State were now and during the interval a member of said Confederacy, the said force, together with that of the Confederate States, to be employed for their common defense.

ART. III. The State of Missouri will, whenever she becomes a member of said Confederacy, turn over to said Confederate States all the public property, naval stores, and munitions of war of which she may then be in possession acquired from the United States (excepting the public lands) on the same terms and in the same manner as the other States of said Confederacy have done in like cases.

[Ibid., Series I, Vol. LIII, p. 754.]

On November 25, 1861, Maj. Gen. Sterling Price, commanding the Missouri State Guard, issued from his headquarters a circular in which he announced that the Confederate Government proposed, in accordance with the terms of the convention or treaty referred to, to receive into its service as many troops from the State of Missouri as might volunteer to serve for the period of twelve months. This circular, which embodies at great length the details of organization, and is published only in part in the Official Records of the Union and Confederate Armies (Series I, Vol. VIII, p. 693), is here quoted in full:

HEADQUARTERS MISSOURI STATE GUARD, *November 25, 1861.*

CIRCULAR.]

First. The Confederate Government proposes, in accordance with the terms of the treaty recently made between this State and that Government, to receive into its service as many troops from Missouri as may volunteer to serve for twelve months.

Second. The troops thus volunteering will be enlisted as State troops, and remain under the immediate command of Major-General Price.

Third. They will be organized in conformity to the laws of Congress and the regulations for the Confederate Army, as follows:

Organization of companies.

Of infantry—

Each company will consist of—

	Pay per month.
One captain	$130
One first lieutenant	90
Two second lieutenants	80
One first sergeant	20
Four sergeants	17
Four corporals	13
Two musicians	12
Sixty-four privates (at least)	11

	Pay per month.
Of cavalry—	
One captain	$140
One first lieutenant	90
Two second lieutenants	80
One first sergeant	20
Four sergeants	17
Four corporals	13
Two musicians	13
One blacksmith	13
One farrier	13
Sixty privates (at least)	12
Of artillery—	
One captain	140
Two first lieutenants	100
One second lieutenant	90
One first sergeant	20
Four sergeants	17
Four corporals	13
Two musicians	13
Two artificers	17
Seventy privates (at least)	12

Organization of regiments.

Of infantry—	
One colonel	$195
One lieutenant-colonel	170
One major	150
One adjutant (lieutenant of the line)	$10 extra.
One assistant quartermaster (captain)	140
One assistant commissary (captain)	140
One surgeon	162
One assistant surgeon	110
One sergeant-major	21
One quartermaster-sergeant	21
Of cavalry—	
One colonel	210
One lieutenant-colonel	185
One major	162
One adjutant	$10 additional.
One assistant quartermaster (captain)	140
One assistant commissary (captain)	140
One surgeon	162
One assistant surgeon	110
One sergeant-major	21
One quartermaster-sergeant	21

Fourth. *Election and appointment of officers.*—Company officers: Each company elects its captain and lieutenants. The captain of each company selects the sergeants, corporals, musicians, and artificers from his company, and they receive their warrants from the colonel upon his approval of the appointments.

Regimental officers: The commissioned officers of each regiment elect the colonel, lieutenant-colonel, and major.

The colonel appoints the adjutant from the lieutenants of the regiment, and the sergeant-major and quartermaster-sergeant from the enlisted men.

The President will, upon the colonel's recommendation, appoint, whenever their services are required, an assistant quartermaster and assistant commissary, a surgeon and assistant surgeon, for each regiment.

Fifth. Whenever a sufficient number of troops shall have been thus enlisted, organized, armed, and equipped, the muster rolls will be sent to the Secretary of War, and the troops will thereby be transferred to the Confederate Army. The President will immediately commission the officers and provide for and pay the troops. The President will at the same time organize the troops thus transferred into brigades and divisions, over which he will appoint brigadier-generals and a major-general from Missouri.

Sixth. The term of service will begin from the day of the organization of the company and will end twelve months after that date.

Seventh. The officers will be commissioned in the Confederate Army, and their commissions will be dated upon the day of their transfer to that service.

Eighth. *Pay, etc.:* Until the troops shall have been transferred to the Confederate States they will be paid by the State, the Confederate States guaranteeing, however, that they will be paid. As soon as the transfer shall have been made they will be paid and supplied by the Confederate States. The troops in the Confederate service are paid at the end of every second month.

The delivery of the muster rolls by the State to the Secretary of War completes the transfer.

The State will pay a bounty of $39 to every noncommissioned officer and private who will reenlist in this service.

Ninth. Each enlisted man will receive one ration a day and an allowance of $25 every six months for clothing.

Each man will be allowed ten cents a mile for his traveling expenses from the place of his enrollment to the rendezvous, and also from the place of his discharge to the place where he was enrolled.

Tenth. The cavalry must furnish their own horses and keep them serviceable or they will be compelled to serve on foot. The noncommissioned officers and privates will, however, be allowed forty cents a day for the use of their horses, to be computed from the day of their enrollment to the day of their discharge, and also for every twenty miles of travel between the place of their discharge to the place of their enrollment. Horses are to be valued when brought into the service, and if killed in action will be paid for at such valuation. They will not be paid for in any other event.

Eleventh. All arms will be paid for at a fair valuation, but will not be taken from the owner so long as he remains in the service. The commander of the company will, however, be responsible for their safe keeping.

Twelfth. The Confederate States government will not accept any cavalry for twelve months unless already fully armed and equipped, and as the State can not arm and equip more than one regiment, only one will be enlisted.

Thirteenth. The artillery will be organized as light batteries and not as regiments.

Fourteenth. The Confederate States Government will accept and fully arm and equip as many troops as may volunteer for the war, either as cavalry, artillery, or infantry.

By order of Maj. Gen. Sterling Price:

HENRY LITTLE,
Colonel and Assistant Adjutant-General, Missouri State Guard.

On the day following the publication of this circular, General Price issued a proclamation, quoted in the last preceding chapter, calling for 50,000 men, but it is probable that the object of that call was to secure men for the Missouri State Guard.

On the 9th of December, 1861, Col. Henry Little was assigned by General Price to the command of the new volunteer corps. He was directed to select a suitable encampment and proceed with the work of organization. Following is a copy of General Price's order:

GENERAL ORDERS, No. 119.

HEADQUARTERS MISSOURI STATE GUARD,
Camp on Sac River, December 9, 1861.

I. In accordance with General Orders, No. 109, Col. Henry Little, Missouri State Guard and Confederate States Army, is hereby assigned to the command of the new volunteer corps. Colonel Little will select a suitable encampment and proceed to organize the volunteers as prescribed in said order. All companies, squads, and individuals will report to him without delay. To all squads who have entered this volunteer corps the commander of the division to which they belonged will cause to be delivered a pro rata proportion of the camp and garrison equipage and transportation. A whole company will bring with them the camp and garrison equipage which they now have in possession. All such articles will be receipted for by the quartermaster of the volunteer corps. This will also apply to arms, equipments, and ammunition, which will be receipted for by the ordnance officer of the volunteer corps.

II. Capt. Wright C. Schaumburg is appointed adjutant and quartermaster and commissary of the corps.

* * * * * * *

By order of Maj. Gen. S. Price:

H. LITTLE, *Adjutant-General.*

[Ibid. p. 759.]

No official copy of General Orders, No. 109, mentioned in the order just quoted, has been found, but it is published in full by R. S. Bevier in his History of the First and Second Missouri Confederate Brigades (p. 74), from which it is here reproduced:

GENERAL ORDERS, No. 109. HEADQUARTERS MISSOURI STATE GUARD, *Camp on Sac River, December 2, 1861.*

I. A separate encampment will be forthwith established for the troops voluntering to enter the Provisional Army of the Confederate States, upon the terms stated in the circular issued by Major-General Price on the 25th day of November last.

II. All such volunteers will be admitted into the encampment either by companies, in squads, or individually.

III. All individual volunteers and squads of less than twenty-five men will be organized into detachments for the purpose of transportation, subsistence, drill, and discipline, and temporary officers will be appointed over them by Major-General Price.

IV. Muster rolls will, however, be furnished to squads of ten men or more proposing to organize a company, and they may establish within the encampment a recruiting rendezvous for such company.

V. Whenever twenty-five or more men may volunteer to form a company, or any squad referred to in the last section shall be augmented to twenty-five men, they may be temporarily organized into a separate detachment, under the command of an officer to be appointed by the major-general, and who shall hold his office until the detachment shall have recruited to the legal standard, when an election of company officers will be held and the company duly organized.

VI. The major-general will appoint a competent officer with a sufficient staff to command this volunteer corps. A regiment will be duly organized whenever a sufficient number of companies shall have been formed.

VII. Companies may be organized without regard to the division of the State into military districts, and the major-general will furnish discharges to any number of the State Guard who will enlist in the volunteer corps.

VIII. Until the muster rolls shall have been transferred to the Confederate government the major-general will grant a discharge to any volunteer who shall furnish a substitute who will serve twelve months from the date of his substitution.

IX. The volunteeer corps will be armed, equipped, tented, and clothed by the government, with as much uniformity as possible, out of the first supplies which shall be received.

X. The regulations for the government of the Army of the Confederate States will be enforced in this corps.

XI. Volunteers will report themselves to Col. Thomas L. Snead, so that they may be duly sworn into the service.

By order of Maj. Gen. S. Price:

H. LITTLE, *Adjutant-General.*

On the 13th of December Governor Jackson issued an address to the officers and soldiers of the Missouri State Guard and his fellow-citizens of the State, appealing to them to enter the service of the Confederate States.

Again it becomes necessary to refer to an unofficial publication, no copy of Governor Jackson's proclamation having been found among the records preserved in the War Department. The proclamation, as published in Moore's Rebellion Record (Vol. III, Docs., p. 471), reads as follows:

Officers and Soldiers of the Missouri State Guard, and Fellow-citizens:

In the month of June last, after having exhausted every honorable means of averting the calamities of civil war, I called upon the State for 50,000 volunteers to drive the ruthless bands of hired invaders from our soil. Before making that call, I had asked that you might have the privilege of determining at the polls in a peaceable manner your future political relations with the United States, determined on my part to abide that decision whatever it might be. That privilege—a right which belongs to every freeman—was denied you. Our enemies chose to submit your rights to the arbitrament of the sword, and we accept the issue so boastingly tendered us.

There was no alternative left. We had either to draw the sword and defend our rights or, like slaves, submit to the worst despotism on earth. Between these I could not and did not hesitate. I chose the former, and hence, from that time to the present, grim-visaged war has stalked through our State from the Nishnabotna to the St. Francois; from the Des Moines to the Neosha, and in his trail have followed charred walls, blood-stained fields, and desolate homes.

When the circumstances by which we were surrounded are considered, it must be acknowledged that the State responded nobly to my call; and to you who left all the comforts of home and for six long months have been enduring all the hardships and sufferings of a soldier's life, too much praise and credit can not be given. Patiently have you borne the burning rays of the summer's sun, the beating storm, chilling blasts, and sickening hunger pains; and nobly have you stood upon the battlefield amid showering balls, bursting bombs, and charging horse. Yea, more than this, you have dared the burning fever, the feeble pulse, and risked the solitary grave with all of a patriot's faith and hope.

These things have you done, my brave soldiers, but our work is not complete yet, for war, with its horrors and train of suffering, still hovers over our beloved State. We are fighting for liberty, equality, and independence, and can never leave the field while the foot of an enemy shall be left to pollute our soil. Everything on earth that renders life valuable and dear to freemen is at stake, and none but the basest slave and craven coward can yield in such a contest. Not so with the enemy. We seek not his subjugation, his country, or his home. He can quit the field, retire to his home, and thereby give peace and happiness to a bleeding and suffering country. He can by these means at once close the unrelenting crusade which he is now waging against us.

Our enemies in the State, though impudently and arrogantly asserting that a majority of the people are on their side, have by their own conduct given most indubitable evidence that all their claims are false, or that they themselves are too cowardly to fight their own battles.

Are there any so blind among them as not to see that the predominant feeling in the State is with the South? Do they not know that an overwhelming majority of the people will never submit to the rule of an abolition despotism? Are they not aware that the usurpations of their defunct convention are almost universally condemned by the people? If all these things are not well known to them, why did the convention, at its recent sitting, rescind their ordinance of a former session, submitting their high-handed usurpations to a vote of the people for ratification? They know, and everybody knows, that the people would have put their seal of condemnation, in thunder tones, upon all their unholy deeds, had the opportunity been afforded them.

Why, if they have the majority, did they import regiment after regiment, brigade after brigade, general after general, from the ranks of Lincoln's hired hordes in the North to fight their battles in Missouri? Our friends from the South were never invited into Missouri until the Lincoln Government had quartered their Hessian troops all over the State. These troops thus quartered in our midst have been met upon every field, with few exceptions, by Missouri's sons alone, and with almost unvaried success. Now, when we have the assistance of the rich and powerful Southern Confederacy, with all her vast resources, and her gallant sons to stand by our sides, what must be the result? If any among us have hitherto entertained the idea that Missouri can be conquered, let them at once and forever banish the delusion from their minds.

By your own strong arms and willing hearts, and dauntless courage, you have passed successfully through the darkest hour and greatest peril which can possibly attend the unholy crusade now being waged against you. Our enemies must have been brought to know that a bloody revenge must and will follow a continuance of our persecution. It can not be supposed that a large majority of our people are to be driven from their homes and firesides, and forced to surrender up the graves of their fathers and their children to Northern invaders. This can never be done as long as a man can be found or an arm shall be left to strike a blow. Overwhelming numbers may sometimes force us to retreat; circumstances may occasionally cause us to fall back; but, as certain as God reigns in Heaven, we will return again and again, until the last man shall have perished, or we shall have reclaimed our homes.

I have said, and now repeat it, that our enemies can at any moment leave the field in safety and retire to their homes, whereas we can never lay down our arms without dishonor while an enemy shall pollute our soil with his unhallowed tread. Honor and patriotism alike forbid it. The memories of the past and the hopes of the future equally forbid it. The question for Missouri to determine is now resolved into this single proposition: Shall she be the empire State of the glorious Southern Confed-

eracy, the bright star and peer of Virginia, in the Southern constellation, or shall she ignominiously submit to the abolition yoke of Northern fanaticism—conquered, humbled, and disgraced—forced to remain under a government made tyrannical by fanaticism, disgraced by its rulers, and contemptible in the eyes of the world?

But it is useless now to argue the interest or policy of the State; our enemies have chosen to submit them both to the arbitrament of the sword, and by the sword they must be settled. There is no reason why we should shrink from the contest. The Missouri State Guard, almost single-handed, have fought the armies of all the Western States for more than six months with unparalleled success. Their victories at Cole Camp, at Carthage, at Oak Hills, Fort Scott, Lexington, Fredericktown, and Belmont can not fail to inspire the country with renewed zeal, energy, and courage. These noble and heroic deeds have passed into history, and will form the brightest page of the crisis through which our country is passing.

My brave soldiers, now in the field, the six months for which you were called is now expiring, and many may desire to return to their homes. It is natural you should desire to do so; but let me beg you not now to turn back from the work you have so nobly begun; do not now fail when the eyes of the whole country are upon you; do not lose your glorious reputation for want of a little more patience; do not let the princely heritage of Missouri be lost to you and your children, when a few more weeks or days of perseverance may win it for you. Let me, therefore, entreat you to embrace the opportunity which is now offered you to volunteer in the service of that great young government, the Southern Confederacy—one of the brilliant stars of which is our own loved Missouri—and fight under that bright flag which has yet known no defeat.

That the bond of union between Missouri and her Southern sisters may be more perfect, and that encouragement be given our men, and that system and unity of purpose exist which insures success, it has been determined that the present members of the Missouri State Guard shall have the liberty to reorganize under the laws of the Southern Confederacy—that our Southern brothers may have the privilege of supplying our wants and paying our troops while we fight our battles, which are also theirs. Do not let the frosts of winter deter you from embracing the opportunity. Do not fail to remember those patriotic sires who wintered at Valley Forge—let their bright example encourage you; the cause is the same—'tis liberty and equality for which we fight. You have no homes to which you can safely go; the Hessian and the Jayhawker go wherever the army is not, and you will but put on the shackles of serfdom whenever you lay down your arms, even though it be but temporarily. I know your patriotism—you have proved it. I know your bravery—the world has seen it. I know your endurance—the cheerfulness with which you have borne your hardships has demonstrated it. Then I pray you maintain your reputation but a little while longer and Missouri will be regenerated and redeemed.

To my fellow-citizens who have not yet joined the army, I have now a word to say. Can you longer delay? Can there be yet one lingering ray of hope in your hearts that the *once* glorious Union can ever be reconstructed or reunited? Can you expect to remain as quiet spectators, tilling your fields and attending to your private speculations, while 50,000 of your brave brothers are on the "warpath?" Do you not know that absence from the field but prolongs the war, and that you are at all times liable to depredations from either party? Come out, then, like men. Remember that "he who is not for us is against us!" You know as well as I that the people of Missouri are Southern people—that their sympathies, their hopes, and their interests are with the South. Then, I call upon you in the name of our noble State, now struggling for independence, to come out and help your brothers who are in the field. You can not ask or expect them to do all the fighting, to endure all the hardships, and divide with you their glory and successes. You should not expect to enjoy the reward unless you participate in their struggles for victory and independence.

C. F. Jackson.

New Madrid, Mo., *December 13, 1861.*

The call for the enlistment of Missouri volunteers for the Confederate service was not enthusiastically received, and did not meet with the prompt response which possibly it might have received at an earlier date. Citizens, as well as members of the Missouri State Guard, were reluctant to enter the service of the Confederate States, their disinclination to enlist in that service being largely due to the delay of the President in the appointment of General Price as a major-general in the Confederate Army, and the distrust of the Confederate authorities

engendered by their failure to cooperate to the extent expected in the attempts of the Missouri troops to free the State from the presence of the Federal forces. Some of the correspondence on this subject is here reproduced.

On the 3d of December, 1861, President Davis wrote Hon. W. P. Harris, a Delegate to the Provisional Congress from the State of Mississippi:

RICHMOND, VA., *December 3, 1861.*

Hon. W. P. HARRIS,
Confederate States Congress.

MY DEAR SIR: Language was said by Talleyrand to be useful for the concealment of one's thoughts; but in our day it fails to communicate any thought. If it had been otherwise, the complaint in relation to General Price of which you speak could not have been made. The commissioners of Missouri were informed that when that State offered troops they would be organized according to our military laws and generals would be appointed for brigades and divisions. Until then I have no power to appoint generals for those troops. The same statement, substantially, was made to the members of Congress from Missouri who called on me yesterday. They were also informed that, from conversation with informed persons and from correspondence now on file in the War Department, I was convinced that it was needful to the public interest that a general should be sent to the Arkansas and Missouri division who had not been connected with any of the troops on that line of operations; and to the statement that the Missouri troops would not fully enlist under anyone except General Price, I asked if they required their general to be put in command of the troops of Arkansas, of Texas, and of other Southern States. To bring these different forces into harmonious cooperation is a necessity. I have sought to effect it by selecting General Heth to command them in combination. If it is designed, by calling Heth a West Point cadet, merely to object to his education in the science of war, it may pass for what it is worth; but if it be intended to assert that he is without experience, his years of active and distinguished service on the frontier of Missouri and the territory west of it will, to those who examine before they censure, be a sufficient answer. The Federal forces are not hereafter, as heretofore, to be commanded by pathfinders and holiday soldiers, but by men of military education and experience in war. The contest is therefore to be on a scale of very different proportions than that of the partisan warfare witnessed during the past summer and fall. I have long since learned to bear hasty censure, in the hope that justice, if tardy, is sure, and in any event to find consolation in the assurance that all my ends have been my country's.

With high respect,

JEFFERSON DAVIS.

[Ibid., Series I, Vol. VIII, p. 701.]

On the 13th of December, the Missouri delegation in the Confederate Congress addressed General Price as follows:

RICHMOND, VA., *December 13, 1861.*

Gen. STERLING PRICE.

DEAR SIR: Events of so extraordinary a character have transpired and are daily transpiring in this city connected with the affairs of Missouri that we think it of the utmost importance to communicate them to you by special messenger. For this purpose we have induced the War Department to appoint Colonel Peebles, of General Clark's division, to convey you these dispatches. Those of our delegation who first reached Memphis were met by the alarming rumor that the President entertained the idea of appointing some other person than yourself to the command of the Missouri army and district. The delegates then in Memphis immediately hurried on, and upon their first morning's presence in Richmond waited upon the President to press your claims to the position. We assured him such a step as rumor attributed to him would paralyze our State and expose the entire Mississippi Valley to the enemy. In strong but respectful terms we urged the services done by the Missouri army for the Confederacy and the utter ruin which would follow us in the future if some stranger to our troops and people should be placed in your stead. The President was firm and even impatient in his opposition to our views. He declared that while you had done well and while he entertained the kindest feelings for you personally, he was determined to appoint no man as major-general to command that department who was a resident of Missouri, Arkansas, or Texas. He alluded to the

difficulties between yourself and McCulloch, and gave this as a reason why some one disconnected with those feuds should be placed over all the forces. We ask your especial attention to the opinion of the President, as we desire, in justice to yourself and our army, that you should know from whom it originated. The President is further pleased to intimate that our guerrilla fighting in Missouri must now give place to a different mode, that of regular, systematized warfare. He uttered this in no offensive sense, but evidently as a reason for the rule he has recently adopted in all cases of placing West Point graduates over the different divisions. The President further intimated that he had appointed Col. Henry Heth, ex-captain in the United States Army, as major-general of our district. Upon the next day Colonel Heth called upon us and stated that he had received the appointment and would start on the next Thursday for the command. We informed him frankly of our belief that the Missouri army would follow no one but yourself, and regretted the unfortunate position in which it placed our State. In the meantime assurances from every delegation on the floor of Congress were freely tendered us that no nomination but that of yourself would be confirmed by Congress. The people and press also give unanimous expression to their indignation, and finally Colonel Heth, it is understood, requested the President to withdraw his name, or rather not to send it in to our body for their consideration.

General Clark and Colonel Cooke had in the meantime arrived, and both waited upon the President. They found him very much in the same mood as we have described before, but disposed to await further time and developments. It is understood now that General McCulloch will reach here this evening, and we fear for no purpose friendly to yourself. Of one thing, however, sir, you may rest assured—Congress will confirm no one but yourself. Daily and hourly assurances are given us that we will be supported in our course, and we are unanimous in pressing your name to the last extremity. It becomes our duty now, sir, to mention a matter of the most delicate nature in regard to the origin of this whole difficulty. It was understood at the time of our secession, by the legislature and the whole army, that you would receive this appointment. Governor Jackson, however, has pursued a course calculated to create doubt in the mind of the President, whether we really wished it or not. We are not at liberty to give the full information in our possession, but the time will speedily arrive at which the matter can and shall be fully ventilated. We wish to create no difficulty between yourself and the Executive, especially at a crisis like the present, but we deem it proper that you should be apprised of the fact that not to any want of exertion upon our part, but to another quarter, is the service of Missouri indebted for the difficulty now existing. The appointment of Colonel Heth had been agreed upon before our arrival, and nothing but our prompt exertion would have even delayed the full consummation of the design. As it is, we are sanguine of being able to effect our object yet, notwithstanding the obstacles in the way. The President, at any rate, has stopped in his headlong career and begins to hear the public voice. We have introduced a bill giving us the credit of the Confederate States to the amount of $1,000,000 to pay our army for past services before our admission, and believe we can secure its passage; also an amendment to the sequestration act protecting our people against the confiscations of the Gamble government in Missouri and to secure us against the payment of taxes to both governments. It is with the highest gratification we are able to state that our reception here by the Congress and people has been of the kindest nature, and permit us to say further that your name and praise are identical with that of Missouri in the gallant struggle through which she is passing. We inclose instructions from the Secretary of War in regard to the organization of our forces as Confederate troops, and would suggest that the transfer be made as soon as possible, and we would further suggest that you dispatch to us immediately a courier with any suggestions in relation to the service you may think proper, and any intelligence of interest to the public. We will, as soon as possible, establish a line of couriers to your headquarters by an act of Congress.

Very respectfully,

JOHN B. CLARK.
C. W. BELL.
THOMAS A. HARRIS.
THOS. W. FREEMAN.
WM. M. COOKE.
G. G. VEST.
A. H. CONROW.

[Ibid., Series I, Vol. LIII, p. 761.]

The criticism of Governor Jackson in the letter last quoted was doubtless due to certain expressions in a letter addressed by him to

the President, November 5, 1861, transmitting the acts of the general assembly of the State preparatory to organic union with the Confederate States. In that letter Governor Jackson said, referring to the expected union:

As soon as this may be done I desire that the Missouri forces shall be reorganized at the earliest practicable moment under the Confederate Government and a general appointed at once to command all the forces that may be ordered to Missouri. Who the man shall be is of no consequence to me. I have full confidence in your good judgment, and doubt not you will give us the best man you can. General Bragg would be very acceptable, but we will all be satisfied with anyone you may select.

You know better than I that an army to be successful can have but one head, and that should be a good one. It may possibly be known to you that heretofore there has not been that degree of harmony and concert of action between Generals Price and McCulloch that should exist between officers laboring in a common cause. While this has been the case hitherto to some extent, I am rejoiced now to be able to say that a restoration of the most amicable relations has been effected and that they and their armies are now cooperating together in the most harmonious manner.

[Ibid., p. 755.]

On December 20, 1861, the President wrote to General Price, expressing his regard for the welfare of Missouri and his desire for a tender of troops from that State, to be organized into brigades and divisions under the laws of the Confederate States. Following is a copy of his letter:

RICHMOND, VA., *December 20, 1861.*

Gen. STERLING PRICE,
Commanding Missouri Forces.

MY DEAR GENERAL: I have received, with much pleasure, your letter of the 10th ultimo, with the inclosed correspondence. It was not needed to make me appreciate the difficulties and embarrassments under which you have labored nor the sacrifices and devotion displayed in the cause of Missouri and the South. For all this you have not only my thanks and those of the good people of your own State, but also those of the whole South. We here have not forgotten you; but, on the contrary, have been most anxious to give to Missouri all the aid in our power, and have been hopefully looking for the tender of troops from Missouri and Arkansas, to be organized into brigades and divisions under the laws of the Confederate States. We have at present no troops to give you except those under General McCulloch, and you are aware of their condition.

I was sorry to learn from Colonel Cooke that the term of service of your forces is for so short a period, and that the term of enlistment of so many is about to expire. You know the disadvantage of short terms of service. Can you not organize a force for the war? So long as it lasts the people of the country in which it is carried on must engage in it, and, until our independence is recognized and peace restored, the only question should be, how can these ends be best promoted?

* * * * * * *

You may rest assured that the welfare of Missouri is as dear to me as that of other States of the Confederacy, and that I will do all in my power to assist her in her struggle to maintain the common cause and to vindicate her freedom and sovereignty.

Accept my most friendly remembrance and assurances of my best wishes for your success and happiness.

Very respectfully and truly, yours, JEFFERSON DAVIS.

[Ibid., Series I, Vol. VIII, p. 716.]

On the following day the President addressed Governor Jackson, urging the tender of troops to the Confederate Government, in order that they might be duly organized and general officers appointed. He said:

RICHMOND, VA., *December 21, 1861.*

His Excellency the GOVERNOR OF MISSOURI.

MY DEAR SIR: We are anxious that the troops of Missouri should be tendered to the Confederate Government, in order that they may be organized into brigades and divisions and general officers appointed for them, or if preferable to them, received

as independent companies or battalions, for such further organization as the interest of the service and the character of the troops may indicate. By this it is thought that their efficiency will be increased, and that they will be relieved from the anomalous position they now occupy as militia of the Confederate States without being a part of their organized army.

This arrangement seems very desirable to me, both for the sake of the Missouri troops and the advancement of our cause, and I hope it will meet with your concurrence.

Very respectfully and truly, yours, JEFFERSON DAVIS.

[Ibid., p. 717.]

To this letter Governor Jackson replied, December 30, 1861, as follows:

NEW ORLEANS, *December 30, 1861.*

His Excellency the PRESIDENT OF THE CONFEDERATE STATES.

SIR: Your letter of the 21st instant, forwarded by Colonel Gaines, has been received. With respect to the matter of transferring the Missouri troops to the Confederate Government, I have to say that the measure has not only my concurrence but my hearty approval.

The moment I received intelligence that Missouri had been admitted a member of the Confederacy I wrote to General Price, urging him to have the transfer made at the earliest moment and to get the troops "*for the war*" if possible. What success has attended the general's efforts I have no means of knowing, not having heard from him since.

Surrounded, however, as he is with embarrassments of the greatest magnitude, his men borne down by all the hardships and privations of a summer's campaign, discouraged and disheartened as they must feel from having been abandoned by every Confederate soldier from the other States, and being left alone to face a foe of more than five times their strength, poorly clad, and suffering for the want of a proper supply of provisions, I can scarcely expect the most favorable results. For more than six month the Missouri army, almost single-handed, have successfully held in check the Lincoln forces in our State. From time to time they have been promised assistance from the Confederate States, but it has not come—so far from it, indeed, what few Confederate troops were upon our border and within the State have been withdrawn from it, marched down to the Arkansas River, and put into winter quarters more than two months before winter had set in. Not the foot of a Southern soldier now treads the soil of Missouri, except the men under the command of Price and Thompson.

General Price and his men being thus forsaken by those on whom they relied for aid, their State being left to the mercy of the thieving Jayhawker and murderous Hessian, their towns and their houses destroyed by fire, their property stolen, their country laid waste, and their wives and children driven from their homes to perish or to live as best they can, you may rely upon it, Mr. President, that men thus abandoned, however much they may love the gallant chief who has so nobly and successfully led them to victory upon every field, and however much they may be devoted to the cause for which they have so fearlessly and cheerfully fought, it can scarcely be expected they will enter the Confederate Army with that alacrity and promptness they would do under more favorable auspices.

Their confidence in the good faith of the Confederate Government has to some extent been shaken in not having received the support of the Confederate troops stationed upon their border during the summer. They have not been able to see why the troops under General McCulloch did not cooperate with them in their march to Lexington, and in the reduction of that place.

They believe that with the aid of the Confederate forces then in the State we could have held that place, and by so doing could have doubled the strength of our army. Deprived of that support, the army was forced by the overwhelming numbers of the enemy to fall back upon our southern border.

After the evacuation of Springfield by the Federal forces General Price again determined to march toward Lexington and try once more to strengthen his army with new recruits and turn over to the Confederate Government his entire force, but in this effort, as in the former, he was unsupported by the Confederate troops, and doomed to the alternative of going alone.

What success has attended him I am unable to say. With all my confidence in his energy, skill, and courage, I can not but feel the most anxious solicitude for the safety of himself and men, knowing as I do the difficulties and perils by which he is surrounded.

It gives me no pleasure to recite these recurrences, and I pray you not to understand me as doing so in any spirit of complaint against the good faith of the Confederate Government toward Missouri.

An imperative sense of duty to my State, to General Price, and the brave men who have so faithfully served their country under him, require, in my judgment, that you should know all the facts in the case, and I ask that you will give them the consideration due them.

That General Price will exert himself to the utmost in raising men for the Confederate service I have no shadow of doubt; but if his efforts shall not be crowned with that success we have so earnestly hoped for, it is due to him and to the country that the reasons should be known.

Without intending to have been importunate I have felt it my duty to urge again and again, as you are aware, the appointment of General Price to the chief command of the Western Department. I think him the man for the place. Those who have served under him and who know him best, as well as the whole country, believe him to be the man.

If it could be announced in his camp to-day that he is to command, there would be one universal shout of joy, and such an impetus would be given to the work of recruiting as nothing else can impart to it.

If I did not feel so deeply impressed with the importance of an early, if not immediate, appointment for the Western Department, I should not press the matter further upon your consideration. Much, very much, in my judgment, depends upon early action. I hope you have already been clothed with power to make the appointment. If you have not, Congress surely will not delay in conferring it when interests so vital to the safety of the country are at stake.

I have the honor to be, etc., C. F. Jackson.

[Ibid., p. 724.]

On the same date Governor Jackson wrote to General Price:

New Orleans, *December 30, 1861.*

Major-General Price:

My Dear General: The bearer of this letter will hand you several dispatches from Richmond, which will acquaint you with what is going on there.

I have read the letter which the President has addressed to you. I send you the one he addressed to me, and likewise a copy of my answer to him. I think the time has come when we should speak out in plain terms. I have endeavored to call the attention of Mr. Davis to the true condition of things in Missouri, and have urged the necessity of prompt action in the premises. Whether we shall succeed in getting it I am unable to say. Why it is that he can not give you the appointment at once I am utterly at a loss to determine. He certainly had it in contemplation to appoint Colonel Heth to the chief command, or Mr. Hunter's dispatch to me was sent without authority, and this Mr. Hunter certainly would not do. If, then, the President had the power to appoint Colonel Heth, I can not see why he has not the authority to appoint you. I am free to acknowledge there is a mystery about this whole affair which I do not comprehend.

I hope all is right, and, indeed, I have the strongest faith that you will yet receive the appointment. I know how easy it is for the acts and intentions of public men to be misunderstood, and how common it is for ill-disposed persons to cry a man down without any just cause, and therefore I will not censure the President until I know he has wronged us.

* * * * * * *

Faithfully, your friend,

C. F. Jackson.

[Ibid., p. 725.]

On the 8th of January, 1862, the President replied to Governor Jackson's letter of December 30, 1861, as follows:

Richmond, Va., *January 8, 1862.*

Governor C. F. Jackson.

Sir: Your letter of the 30th ultimo, sent me through the Hon. Jno. B. Clark, together with one addressed to himself, has been this day received. Viewed as a reply to mine of the 21st, it is most extraordinary that you should recite the sufferings and ask me to appoint a commander of the militia over which you have control, and concerning the transfer of whom I had written to you, pointing out the necessity for their tender to the Confederate Government in order that they might be put on

the footing of other volunteers in the Confederate service, that brigades and divisions might be organized, and commanding generals be appointed for them. You seem only to remember what others have not done, else in enumerating the privations of your own militia, not mustered into the Confederate service, you would have mentioned the relief afforded to them by the agent of the Confederate Government, sent by me with money to cover more than the objects you and General Atchison originally specified.

You speak of delay and neglect of Missouri by the authorities at Richmond. In what our delay consists and wherein our neglect has been manifested you do not state, but it would seem to have been in not appointing a general before we had troops for him, or in not appointing him to command your militia, and in not having an organized army in your State when you have not furnished to me a regiment; and now when we want muster rolls, to send me only your reasons why the Missouri volunteers may not be willing to enter the service of the Confederate States and contribute to make up the army which is needed to defend Missouri.

Though your letter was written at New Orleans, as you do not say how long you will remain there I send this to Memphis under the expectation that you will return to that place or to Missouri, and take the occasion to renew my request for the tender of any armed troops which you may be able to offer to the Confederate States for the common defense or for the local defense of Missouri.

Very respectfully, yours, etc., JEFFERSON DAVIS.

[Ibid., p. 733.]

On the same date the President also wrote to Hon. John B. Clark:

RICHMOND, VA., *January 8, 1862.*

HON. JOHN B. CLARK, *Richmond, Va.*

SIR: I have read the two letters from Governor Jackson sent by you this day. The governor speaks of delay by the authorities at Richmond and neglect of the interests of Missouri, and expresses the hope that he has said enough to be well understood by me. When I remember that he writes in reply to my call upon him to hasten the tender of Missouri troops, so that they should be put upon the footing of those of other States, and with a knowledge that as militia of the State I had no power to organize or appoint a commander for them, and that it was his duty to attend to their wants, but that I had sent an agent for the Confederate Government as far as practicable to furnish the necessary supplies to the militia of Missouri actually in service, I can only say I hope he is not understood by me. It is but a short time since, in a conversation of ours, I freely explained to you the case so far as I am connected with it, and there is nothing for me to add to what you then seemed to consider conclusive.

Very respectfully, yours, etc., JEFFERSON DAVIS.

[Ibid., Series I, Vol. LIII, p. 767.]

On the 1st of January, 1862, Brig. Gen. M. Jeff. Thompson, of the Missouri State Guard, addressed a letter to General Price in which he said, relative to the discouragements met with in the enlistment of troops for the Confederate service:

NEW MADRID, MO., *January 1, 1862.*

MAJ. GEN. STERLING PRICE,
Missouri State Guard, in Camp.

DEAR GENERAL: The instructions from your headquarters and your circular were received, and I have endeavored as far as possible to comply with your orders. I have, however, been very much discouraged by the action of my command and, from newspaper rumors, I am fearful you have suffered in the same way. I endeavored to get all to disband and reorganize on the same day, each company of men selecting at once their new officers, and without any cessation to go on with our good work, but I could not get a corporal's guard to agree to reenlist without first returning home, or taking the Christmas holidays, or some other excuse, and I had to adopt a plan to suit the condition of things; it was to march each regiment to the nearest safe point to the majority of their homes, and, setting different days for them to disband, to endeavor to induce them to reenlist. Of those disbanded at this place but few have volunteered up to this time. The Stoddard County regiment disbands this day at Camp Blanton, in Stoddard County. The Dunklin County regiment disbands on the 4th at Clarkton, and the Ripley County regiment disbands on the 8th at Pitman's Ferry. How many of these will volunteer it is impossible to tell, but I am sure I will have but a skeleton force until February or March. The men are all

sounder than the officers, and if I could but stop their croaking all would be well. I do not censure all, for many of them are patriotic gentlemen, who are willing to serve anywhere or work in any kind of harness, but many also who can not be reelected, from incompetency or other causes, for the purpose of covering their own defeat hunt a thousand excuses, and delay others who would immediately join.

I am now without an army, but still have hope, and if left single-handed and alone, I will keep the enemy in my neighborhood uneasy and on guard.

* * * * * * *

Yours, most respectfully,

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

[Ibid., Series I, Vol. VIII, p. 727.]

On the 16th of January General Thompson wrote to General Polk, the Confederate commander at Columbus, Ky.:

NEW MADRID, MO., *January 16, 1862.*

Maj. Gen. LEONIDAS POLK,
Confederate States Army, Columbus, Ky.

DEAR GENERAL: * * * Great inducements are being offered to my men to return to their homes and violent threats against those who do not. We are laboring under great difficulties, but I am not discouraged, although opposed by many circumstances which others must assist me to remove.

As soon as Governor Jackson reaches this point I hope he will counteract the opposition to the Confederate service which seems to prevail among the people.

* * * * * * *

Yours, most respectfully,

M. JEFF. THOMPSON,
Brigadier-General, Missouri State Guard.

[Ibid., p. 735.]

On the 9th of January, 1862, an act was passed by the Confederate Congress, which became a law without the President's signature, in which the President was authorized to appoint a major-general and such brigadier-generals as he might think proper to command the troops then and thereafter to be raised for the Provisional (Confederate) Army in the State of Missouri, such officers to receive pay from the dates of their respective appointments and to be allowed the usual staff officers suitable to their rank. This act reads as follows:

AN ACT to provide for raising and organizing, in the State of Missouri, additional troops for the Provisional Army of the Confederate States.

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of Congress, to appoint and commission in the Provisional Army of the Confederate States, one major-general and such brigadier-generals to the command of troops now and hereafter to be raised and organized for the Provisional Army in the State of Missouri as he may think proper.

SEC. 2. All officers appointed under the provisions of this act shall be entitled to receive pay from the date of their respective appointments, and shall be allowed the usual staff appropriate to their rank, and shall be assigned to the duty of raising and organizing Confederate forces in said State, with the view of putting them and their respective commands in the field at the earliest practicable period.

SEC. 3. This act to take effect from and after its passage.

[Ibid., Series I, Vol. LIII, p. 773.]

Before the foregoing enactment became a law a bill somewhat similar in its provisions was passed, in which the President was authorized to appoint, not only general and staff officers, but such field and company officers as might be required "to facilitate and expedite the raising and organization of troops in the State of Missouri," with rank and pay from the dates of their respective appointments, but without the condition prescribed in the act quoted above that they were to

command Missouri troops. The bill as passed by Congress was in the following terms:

AN ACT to provide for raising and organizing, in the State of Missouri, additional forces for the Provisional Army of the Confederate States.

SECTION 1. *The Congress of the Confederate States of America do enact*, That in order to facilitate and expedite the raising and organization of troops in the State of Missouri the President be, and he is hereby, authorized to appoint, by and with the advice and consent of Congress, such major and brigadier generals, field, staff, and company officers, as the interests of the common defense may require.

SEC. 2. The officers appointed under the provisions of this act shall be entitled to rank and receive pay from the date of their respective appointments, and shall be assigned to the immediate duty of raising and organizing Confederate troops in the State of Missouri; and if such officers shall not, within a reasonable time, report their appropriate commands organized and ready for duty, the President may, in his discretion, vacate their commissions.

SEC. 3. The officers and men raised under the provisions of this act shall be subject to all the rules and regulations for the government of the Provisional Army of the Confederate States, in like manner as other troops of the Provisional Army.

ALEXANDER H. STEPHENS,
President of the Congress, pro tempore.

JANUARY 13, 1862.

I certify that this act passed the Congress.

J. J. HOOPER, *Secretary.*

[Ibid.]

This bill was returned by the President without his approval, for reasons stated by him, as follows:

EXECUTIVE OFFICE, *January 22, 1862.*

To the Congress of the Confederate States:

After mature deliberation I have not been able to approve the bill herewith returned, entitled "An act to provide for raising and organizing in the State of Missouri additional forces for the Provisional Army of the Confederate States." In a message just submitted to the Congress in relation to certain forces to be raised in the State of Texas, I have stated the objections entertained to any legislative discrimination for or against a particular State, thereby disturbing the harmony of the system adopted for the common defense. In a bill very recently passed by the Congress a new plan has been established for raising and organizing troops for the Confederate service. By the provisions of this last-mentioned law you have given me authority to raise and organize troops in all the States by granting commissions in advance of the actual enlistment of the troops to officers below the grade of general officers and above that of subalterns. To the officers thus commissioned you do not give any pay or allowances until the actual organization of the companies, battalions, or regiments that the officers so commissioned were empowered to raise, and you do not allow pay, but have even prohibited the allowance of subsistence or transportation to the men enrolled in order to enable them to reach the rendezvous of their companies. By the terms of the bill now returned an exception is made in favor of the State of Missouri alone. By the provisions of the bill it is contemplated that advance commissions shall be granted to officers of all grades from the highest general officer of the Provisional Army to the lowest subaltern of a company, and that the officers whether of the staff or the line thus appointed shall receive pay from the date of their respective appointments without any condition rendering this pay dependent on their success in raising troops. The general bill which has now become a law applicable to Missouri as to all the other States fixes a reasonable term within which officers commissioned in advance must succeed in raising troops under penalty of forfeiting their commissions. The present bill removes this salutary restriction and vests in the Executive the dangerous power not only of appointing at his discretion an unlimited number of military officers irrespective of any troops to be commanded by them, but allows him to retain the officers so appointed in the public service at the public expense during the Executive pleasure.

I am not able to perceive in the present condition of public affairs in the State of Missouri the necessity which would form the only possible excuse for a grant of such power to a constitutional Executive. I receive assurances from those whose sources of information are entirely reliable that the raising and organization of troops in Missouri for service in the Confederate Army are successfully progressing, and that within a very few days the muster rolls will be received, thus placing it in my power

to organize the army in that State on precisely the same footing as in all the others, and thus avoid any need for exceptional legislation.

In addition to these objections founded on principle there would be a practicable difficulty in the operation of the bill, which appears insurmountable. All the troops now in service in the State of Missouri are State troops, commanded by State officers, which have never been tendered or received in the Confederate service. In exercising the power of appointment proposed to be vested in me by the bill the best hope for success in its purpose would be founded on selecting those officers who had distinguished themselves in command and had become endeared to the troops. But this would be to deprive the State troops of their commanding officers during the whole period necessary for the enrollment and organization of the troops under Confederate laws. Missouri would thus be left comparatively defenseless while the reorganization was progressing. Therefore, regarding this bill as impolitic and unnecessary, it is submitted for your reconsideration.

JEFFERSON DAVIS.

[Ibid., p. 771.]

It may here be stated that by an act approved February 17, 1862, the act "passed January ninth, eighteen hundred and sixty-two," quoted above, was repealed. (Official Records of the Union and Confederate Armies, Series IV, Vol. I, p. 943.)

Notwithstanding the obstacles in the way of recruiting for the Confederate service, General Price was able to report on the 17th of January, 1862, that two regiments of infantry, one of cavalry, and two batteries of light artillery had been organized, and that several other regiments of infantry, a regiment of cavalry, and several companies of artillery were in a forward state of enlistment. Following is a copy of his report:

HEADQUARTERS MISSOURI STATE GUARD,
Springfield, January 17, 1862.

Hon. J. P. BENJAMIN,
Secretary of War, Richmond, Va.

SIR: I have the honor to inform you that two regiments of infantry, Colonels Burbridge and Rives; one regiment of cavalry, Colonel Gates; two light batteries, one of six pieces, Captain Wade, the other of four pieces, Capt. S. Churchill Clark, have been organized here in conformity to the laws of the Confederate States for service in the Provisional Army. The muster rolls are being rapidly made out, and will be transmitted to you within five or six days.

I have organized these regiments and batteries into a temporary brigade, under the command of Col. Henry Little, Confederate States Army.

I hope that it will be the President's pleasure to accept the transfer of these troops without any unnecessary delay and as tendered of this date. The infantry regiments and the artillery companies are fully armed and equipped. The cavalry regiment is well armed and equipped, and will be completely armed and equipped by the State.

I have the honor to be, very respectfully, your obedient servant,

STERLING PRICE,
Major-General, Commanding Missouri State Guard.

P. S.—Several other regiments of infantry, a regiment of cavalry (for the war), and several companies of artillery are in a forward state of enlistment, and I expect to have the pleasure of transmitting to you the muster rolls of several additional brigades within a very few weeks.

Yours, very respectfully,

STERLING PRICE,
Major-General, Missouri State Guard.

[Ibid., Series I, Vol. VIII, p. 736.]

On the 23d of January General Price promulgated a general order providing, among other things, for the distribution of the volunteer troops into brigades and battalions. This order reads as follows:

GENERAL ORDERS, No. 26.

HEADQUARTERS MISSOURI STATE GUARD,
Springfield, Mo., January 23, 1862.

I. The volunteer force will be distributed until further orders into two brigades and an extra battalion.

II. The following troops will constitute the First Brigade:

1. The First Regiment Cavalry, Colonel Gates.
2. The First Regiment Infantry, Colonel Burbridge.
3. The Second Regiment Infantry, Colonel Rives.
4. Captain Wade's battery.
5. Captain Clark's battery.

Col. Henry Little will assume command of this brigade, and appoint, with the major-general's approval, a brigade staff, consisting of:

1. An adjutant, with the rank of captain.
2. An inspector, with the rank of captain.
3. An ordnance officer, with the rank of captain.
4. A quartermaster, with the rank of major.
5. A commissary, with the rank of major.
6. An aide-de-camp, with the rank of first lieutenant.
7. A surgeon.

III. The following troops will, until further orders, constitute the Second Brigade:

1. Colonel Bevier's battalion of infantry.
2. Colonel Rosser's battalion of infantry.
3. Colonel McCulloch's battalion of cavalry.
4. Captain Lucas's squad of artillery.
5. Captain Landis's squad of artillery, together with all other battalions, squads, and individuals that do not enlist in either the First Brigade or the extra battalion.

IV. The extra battalion will compose all volunteers who do not enlist in either the First or Second Brigades, and will be under the command of General McBride or some officer designated by him.

V. Gen. William Y. Slack will assume command of the Second Brigade, and, with the major-general's approval, appoint such staff officers as the exigencies of the service may require. He will, further, establish an encampment and order into it all volunteers who have not already been enrolled in or who shall not immediately cause themselves to be enrolled in either the First Brigade or the extra battalion. This order will be rigidly and immediately enforced. He will organize the troops of the brigade into squads and battalions. Each squad shall consist of at least twenty-five men and each battalion of at least three squads. The commanding officer of each battalion and squad shall be appointed by the commanding officer of the brigade, subject to the major-general's approval. All other battalion and squad officers shall be appointed by the commander of the battalion or squad, with the approval of the officer commanding the brigade.

The squads will be organized into companies as speedily as possible and the companies into regiments.

The cavalry of this brigade and one or more squads of artillery may be temporarily attached to any division of the State Guard, upon the application of the commander of such division. A daily report of the strength and condition of such cavalry or squad shall, however, be made to the commanding officer of the brigade.

VI. The term of service of anyone volunteering to enter the Confederate service begins from the date of his enrollment in an organized company, or from the date of the organization of the company when he enlists in an unorganized company.

The pay of those enlisted within twenty miles of these headquarters will begin from the date of their enrollment by the proper officer of either the First or the Second Brigade or of the extra battalion.

The troops remain in the pay of the State until the transmission of the muster rolls to the Secretary of War, which act transfers them to the Provisional Army of the Confederate States and puts them in the pay of the Confederate Government.

VII. No one except the quartermaster or commissary of one of the brigades or of the extra battalion shall purchase any stores or supplies of any kind for the use of the troops in this corps nor give a receipt for any article obtained for their use, nor shall any such quartermaster or commissary issue subsistence or supplies of any kind to any company, squad, or individual, except upon requisition in due form, approved by the commander of the brigade or extra battalion, nor shall such commander approve any requisition unless the troops for whom it shall be made be duly enrolled in his brigade or battalion. Any officer who shall presume to disobey this order will be held to a strict accountability.

VIII. The quartermaster, commissary, and ordnance officer of the First Brigade will each take an exact inventory of all the public property within the brigade belonging to his department; and after obtaining therefor the proper receipts (in the form required by the regulations for the government of the armies of the Confederate States) from the officers to whom the same has been delivered, he will receipt in due form to the quartermaster-general and commissary-general of the State for such property.

IX. No discharge will be hereafter granted to any soldier of the State Guard upon the ground of "reenlistment for twelve months or longer" unless he shall bring a certificate from the adjutant of one of the brigades or of the extra battalion that he has been duly enrolled in such brigade or battalion.

X. The Confederate Government will not accept any additional companies of cavalry unless they enlist for the war.

By order of Maj. Gen. S. Price:

WM. H. BRAND,
Assistant Adjutant-General.

[Ibid., p. 739.]

On the 28th of January Col. Thomas L. Snead was dispatched to Richmond with the rolls of the completed organizations (Official Records of the Union and Confederate Armies, Series I, Vol. VIII, p. 744), and on the 5th of February the Secretary of War, acknowledging the receipt of General Price's letter of January 17, quoted above, assured him, in effect, that it had always been the intention of the President to appoint him a major-general in the Confederate service as soon as a number of troops should be mustered in from Missouri sufficient to form a division. The Secretary's letter, which contains several items of information besides that relating to General Price's appointment, is here quoted.

WAR DEPARTMENT, *Richmond, February 5, 1862.*

Maj. Gen. STERLING PRICE, *Springfield, Mo.*

SIR: I have the honor to acknowledge receipt of your letter of 17th ultimo. I am much gratified to learn that you are proceeding successfully in the effort to organize troops for service under the Confederacy and have already a brigade under Col. Henry Little.

The President, whose intention it has always been to secure your services in the common cause as soon as a number of troops could be mustered in from Missouri sufficient to form a division, at first thought of tendering you the nomination of commander of the brigade already formed as a preliminary to the further nomination to command a division as soon as another brigade could be formed, but he has been arrested by the fear that your removal from the command of the State troops before the transfer was complete might have the effect of breaking up your present forces before your new command was organized.

I have to request that at your earliest convenience you forward to me (and it will be held confidential if you wish it) a list of the officers of your State troops competent, in your opinion, to command brigades, in the order of their merit. It is a most difficult and thankless task to select commanders, and at this distance from the scene of action we are entirely at a loss how to determine on the capacity of those recommended for high military commands.

You seem from the terms of your letter to be under some misapprehension when you say that you hope the transfer of the troops already brigaded will be accepted without any unnecessary delay. The troops are already accepted at the instant you have them mustered into service; we require nothing further, but in order to secure the return of the muster rolls to this department I have generally refused to furnish the commissions for the regimental staff until I had the muster rolls.

You are aware that under our organization each regiment is entitled to the following staff, viz: One assistant quartermaster, one assistant commissary, one surgeon, one assistant surgeon, one chaplain, and one adjutant. We are in the habit of nominating these on the recommendation of the colonels of the regiments, and as fast as regiments are formed the colonels ought to consult their regiments and send me a list of the staff they desire to have nominated.

We are making every effort to raise for your aid such a force in Arkansas, Texas, northern Louisiana, as shall be able, when combined with your own troops, to make a vigorous campaign, commencing, if possible, by 10th to 15th next month.

I am, your obedient servant,

J. P. BENJAMIN, *Secretary of War.*

[Ibid., p. 747.]

On the 3d of February, 1862, under the provisions of an act approved January 23, 1862, entitled "An act to authorize the President to call upon the several States for troops to serve for three years or during

the war," the governor of Missouri was called upon to furnish the State's quota of "about 71,000 men." This requisition, of which the following is a copy, was, however, qualified by the remark that under the peculiar circumstances under which Missouri was placed it could not be hoped that the governor would be able at once to furnish the number of men required.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 3, 1862.

C. F. JACKSON, *Governor of Missouri.*

SIR: Congress has recently passed a law entitled "An act to authorize the President to call upon the several States for troops to serve for three years or during the war," and, in accordance with its provisions, I have been instructed by the President to make a call on the several States for a number of men, to be enlisted for the war, sufficient to fill up a quota equal to 6 per cent. of the entire white population. Under these instructions the number of troops required from your State would be about 71,000 men, or 89 regiments of 800 men on an average. Under the peculiar circumstances in which Missouri is placed, and the difficulties which embarrass her authorities, I can not hope that you will be able at present to meet the requisition, which it is, however, my duty to make.

I therefore respectfully call on your excellency to raise and have mustered into the Confederate service the above-named number of regiments, or so many thereof as it may be possible for you to obtain. These regiments will be called into camps of instruction, which you are invited to select. They will there be clothed, subsisted, and armed at the expense of the Confederate States. Each man will receive a bounty of $50 when mustered into service, as well as transportation from his home to the place of rendezvous.

It is earnestly hoped that your excellency will spare no effort to have your troops ready for the field by March 15, at which date it is confidently believed you will be joined by the forces of your sister States in such numbers as will enable us, by conjoint effort, to drive the invader from the soil of Missouri.

I am, respectfully, your obedient servant,

J. P. BENJAMIN, *Secretary of War.*

[Ibid., Series IV, Vol. I, p. 906.]

The State authorities were at this time strenuously engaged in the enlistment of volunteers for the Confederate service, and it does not appear that their action was or could be in any way affected by the requisition just quoted.

According to a return made by the adjutant and inspector general of the Confederate States, the Missouri troops in the Confederate service February 28, 1862, numbered 3,200. It has, however, been shown in this paper that there were then several regiments in process of organization not included in this return.

On the 19th of March General Price advised the Secretary of War that about 5,000 of his command had already been sworn into the Confederate service and that he felt assured that the bulk of the remainder would follow their example when it became known that he had been appointed a major-general in the service of the Confederate States. His letter to the Secretary is as follows:

HEADQUARTERS MISSOURI STATE GUARD,
Camp Van Buren, Arkansas, March 19, 1862.

Hon. J. P. BENJAMIN,
Secretary of War, Richmond, Va.

SIR: I have the honor to acknowledge the receipt of your valued communication of the 5th ultimo. It would have met with earlier attention but that circumstances surrounding me since its reception, ere this well known to you, have forced the delay.

In accordance with your request I herewith give the names of officers in the State Guard competent to command brigades; they are named in order of their merit, as estimated by me:

1. Col. Henry Little, commanding brigade, reported.

2. Brig. Gen. Martin E. Green, commanding Second Division.
3. Brig. Gen. A. E. Steen, commanding Fifth Division.
4. Brig. Gen. M. M. Parsons, commanding Sixth Division.
5. Brig. Gen. D. M. Frost, commanding Seventh Division.

Brig. Gens. William Y. Slack and Edwin W. Price I prefer not to classify. The first, because severely wounded in the engagement of the 7th and 8th instant; the second because now a prisoner of war, having been captured some weeks since when on his return to the army from north Missouri with recruits. Besides, he is my son. Both are officers of marked gallantry and energy. I commend to your consideration, as chief of artillery in this division, Brig. Gen. M. Lewis Clark.

The larger part of the State Guard, I think, will enlist in the Confederate service, and to the promotion of this object I shall direct every practicable energy. My men, numbers of them, would have entered that service before, but were determined first to know who was to command them. From a telegram from a friend of the 6th I learn that my nomination as a major-general in the Confederate service was that day confirmed by the senate. I have no official knowledge of the fact. About 5,000 of my command have been sworn into the Confederate service, and I now feel assured that the bulk of the remainder will follow their example when they know my appointment has been made.

* * * * * * *

I have the honor, sir, to remain, most respectfully, your obedient servant,

STERLING PRICE,
Major-General, Commanding Missouri State Guard.

[Ibid., Series I, Vol. VIII, p. 792.]

A few days later, on the 8th of April, 1862, General Price relinquished the command of the Missouri State Guard, and in a general order, quoted in the last chapter, appealed to such of his men as had not already enlisted in the Confederate service to follow him into that service.

General Price was now a major-general in the Confederate Army, in command of a division of the Army of the West, under the command of Maj. Gen. Earl Van Dorn, whom he accompanied, with his Missouri troops, to the east of the Mississippi River.

On the 23d of August General Price, then commanding the District of the Tennessee, under instructions from the Secretary of War which have not been discovered, authorized and directed Lieut. Col. Waldo P. Johnson, Fourth Missouri Infantry, to proceed west of the Mississippi River to meet and organize Missouri troops for the Confederate service. In the execution of these instructions Colonel Johnson was to be subject to the orders of Major-General Holmes, commanding the Trans-Mississippi Department. The text of his instructions here follows:

HEADQUARTERS DISTRICT OF THE TENNESSEE,
Tupelo, August 23, 1862.

Lieut. Col. WALDO P. JOHNSON,
Fourth Missouri Infantry.

COLONEL: You are, in compliance with the accompanying copy of instructions, sent to me under date of the 12th instant by the Secretary of War, authorized and directed to proceed forthwith beyond the Mississippi, in order to meet and organize such Missouri troops as have entered, or may volunteer to enter, the Confederate service. You will to this end establish as rapidly as possible one or more camps of rendezvous at such points as you may find to be most convenient, and order into them all Missouri troops, in whatever part of that State they may be. You will appoint over each camp a commandant, with such acting staff officers as the necessities of the service may require. These will, by virtue of such appointments, be authorized to provide subsistence, forage, etc., for the use of the troops. You will organize these troops without unnecessary delay into companies, battalions, and regiments in strict conformity to the instructions given in the letter from the Secretary of War, and forward the muster rolls, with a list of the acting field and staff officers, to me, together with such remarks as may be necessary to advise me fully

as to your manner of executing these instructions. It may be expedient for you to authorize individuals to enlist and muster in troops before they reach the camps of rendezvous. This power must be exercised by you with the greatest caution, and the men must be ordered into camp without any delay whatever. You will transmit a copy of these instructions to the major-general commanding the Trans-Mississippi Department, and report to him from time to time your action under them, and you are particularly directed to obey promptly and strictly all his orders and instructions, through whomsoever they may be communicated to you. In conferring upon you these important powers I manifest the great confidence which I repose in your patriotism, prudence, and sound common sense—qualities which are essential to the proper discharge of the grave duties which have been devolved upon you.

I am, very respectfully, your obedient servant,

STERLING PRICE,
Major-General, Commanding.

[Ibid., Series I, Vol. LIII, p. 824.]

Transmitting a copy of these instructions to the Secretary of War, General Price suggested the propriety of authorizing certain citizens named by him to raise troops within the State of Missouri for the Confederate service. His letter to the Secretary is here quoted:

HEADQUARTERS DISTRICT OF THE TENNESSEE,
Tupelo, August 23, 1862.

Hon. GEORGE W. RANDOLPH, *Secretary of War.*

SIR: I have the honor to acknowledge the receipt of your communication of the 12th instant, and to say that I have in accordance therewith authorized Lieut. Col. Waldo P. Johnson, of the Fourth Missouri Infantry, to proceed beyond the Mississippi for the purpose of meeting and organizing the Missouri troops. A copy of my instructions to him are herewith transmitted to you. I am in doubt whether your letter empowers me, or whether, indeed, the rules of the department permit you to empower me to confer authority upon anyone to raise troops in Missouri. The distance of that State from the seat of government, however, and the consequent difficulty of communicating with the Department of War, and the peculiar condition of the State itself, all require that rules different from those that govern in the other States of the Confederacy should prevail there. I therefore respectfully suggest to you the propriety of authorizing certain citizens of that State to raise troops within it for the Confederate service, which troops, when raised, will be reported to Colonel Johnson or some other Confederate officer. I beg leave to mention to you in this connection the names of the following gentlemen who might be safely intrusted with that authority. The Senators and Representatives from Missouri can advise you more particularly as to the fitness of these gentlemen, and they will be able to suggest to you other names which do not now occur to me: James H. McBride, of Texas County; Edwin W. Price, of Chariton; John B. Clark, jr., of Howard; John Q. Burbridge, of Pike; Edward B. Hull, of Pike; Leonidas [C.] Campbell, of Greene; Joseph C. Porter, of Lewis; John T. Hughes, of Clinton; Thomas McCarty, of Clay; J. J. Clarkson, of Lawrence; Robert W. Crawford, of Dade; Charles B. Alexander, of Pettis; Caleb Dorsey, of Pike; D. Herndon Lindsay, of Saline; John H. Halley, of Putnam; Richard H. Musser, of Chariton; Ebenezer Magoffin, of Pettis; R. A. Boughan, of Vernon; Benjamin F. Walker, of Cedar; Francis J. Smith, of Jefferson; W. L. Jeffers, of Cape Girardeau; William H. Matthews, of Washington; [W. C.] Quantrill, of Jackson; John T. Coffee, of Dade; Alonzo W. Slayback, of Buchanan; Louis A. Welton, of Saint Louis; David C. Woods, of Saint Louis; —— Bruce, of Monroe; Fritz McCulloch, of Shelby. I have directed Mr. Edward T. Fristoe to accompany Colonel Johnson as acting assistant adjutant-general to aid in the organization of the troops. He is a graduate of the Virginia Military Institute, and was at the breaking out of the war professor of mathematics in the University of Missouri. He has been with the army for some time, and is a gentleman of high character, ability, and experience, and I hope that the President may be pleased to confer upon him an appointment with appropriate rank.

I have the honor to be, with the greatest respect, your obedient servant,

STERLING PRICE,
Major-General, Commanding.

[Ibid., p. 823.]

No record has been found of any action having been taken by the War Department on General Price's recommendations, but Lieutenant-

Colonel Johnson, whose authority was enlarged by General Holmes, soon dispatched agents to Missouri for the purpose of recruiting within the borders of the State. On the 15th of September he wrote to General Price:

LITTLE ROCK, ARK., *September 15, 1862.*

Maj. Gen. STERLING PRICE.

GENERAL: I arrived here about one week since, reported to Major-General Holmes, who confirmed and enlarged my authority, modifying it in one particular only, requiring me to report to him alone officially the result of my efforts at recruiting in Missouri, and requesting me at the same time to advise you of the change. Soon after I reached here I dispatched about thirty persons to different parts of Missouri for the purpose of enlisting and swearing into the service of the Confederate States Army all the able-bodied men they could meet with, to have them reported at camp for organization and instruction, remaining here myself, at the request of General Holmes, for the purpose of having an interview with Governor Jackson, who was then expected daily. On yesterday the governor arrived, and after a long interview between the governor and general, at which I was present, the governor turned over to General Holmes all the State property at this place, embracing a large amount of clothing and other army stores, also all now in Mississippi. The governor also made an order turning over all the State Guards now in Missouri to the Confederate States, requiring them to report to me, withdrawing from all persons all power to recruit in future for the Missouri State Guard. I have not seen General Parsons, but arrangements are on foot to turn his entire command over to the Confederate States service, and I think it will be successful, as Governor Jackson, General Hindman, and General Parsons are all trying to effect it in a manner satisfactory to the men.

Quite a large number of troops has already been organized along the southern border of Missouri, and from all the information I have obtained I believe there are many more to be collected and organized. But unfortunately there have been feuds and difficulties of almost every kind among them, which have annoyed General Holmes very much, but I think he has adjusted most of the embarrassing cases, and I hope in future, if possible, to avoid difficulties of a like character. They have been such as are incident to the organization of volunteer forces everywhere.

* * * * * * *

WALDO P. JOHNSON.

[Ibid., Series I, Vol. XIII, p. 880.]

It may here be mentioned that by an act of the Confederate Congress, approved September 23, 1862, provision was made for the payment of officers and men enrolled in the Confederate service under the command of General Price, "in the State of Missouri," for the periods between the dates of their enrollment and the dates of their acceptance as Confederate troops. Following is a copy of the act:

AN ACT to provide for the payment of certain claims against the Confederate States in the State of Missouri.

The Congress of the Confederate States of America do enact, That all officers and soldiers belonging to the Confederate States service who were enrolled into said service under the command of Maj. Gen. Sterling Price, in the State of Missouri, shall be allowed by the quartermasters of the respective corps in the Confederate Army to which such officers and soldiers may belong, compensation according to the laws of the Confederate States for that period of their service between the time of such troops having been actually enrolled in the Confederate service and the time of their regular acceptance by the proper authorities as Confederate troops.

* * * * * * *

Approved, September 23, 1862.

[Ibid., Series IV, Vol. II, p. 91.]

On the 2d of October, 1862, an order was issued by the War Department suspending the execution of the conscription act of April 16, 1862, "and of all the amendments thereto," in the State of Missouri. It was also provided that, until further orders, troops from that State should be received into the Confederate service under the previous

legislation of the Confederate Congress. This order, in so far as it related to the State of Missouri, reads as follows:

GENERAL ORDERS, No. 74. ADJUTANT AND INSPECTOR GENERAL'S OFFICE, *Richmond, October 2, 1862.*

1. The execution of the act approved April 16, 1862, commonly called the conscription act, and of all the amendments thereto, is suspended, by direction of the President, in the States of * * * and Missouri. Troops from those States will, until further orders, be received into the Confederate service under the acts passed by the Confederate Congress prior to the passage of the act above referred to, the execution of which is hereby suspended.

* * * * * * *

By order:

S. COOPER, *Adjutant and Inspector General.*

[Ibid., p. 106.]

That the effect of the foregoing order may be understood it is necessary to here quote a portion of the conscription act to which it refers:

AN ACT to further provide for the public defense.

In view of the exigencies of the country, and the absolute necessity of keeping in the service our gallant army, and of placing in the field a large additional force to meet the advancing columns of the enemy now invading our soil: Therefore,

SECTION 1. *The Congress of the Confederate States of America do enact*, That the President be, and he is hereby, authorized to call out and place in the military service of the Confederate States, for three years, unless the war shall have been sooner ended, all white men who are residents of the Confederate States, between the ages of eighteen and thirty-five years at the time the call or calls may be made, who are not legally exempted from military service. All of the persons aforesaid who are now in the armies of the Confederacy, and whose term of service will expire before the end of the war, shall be continued in the service for three years from the date of their original enlistment, unless the war shall have been sooner ended.

* * * * * * *

Approved, April 16, 1862.

[Ibid., Series IV, Vol. I, p. 1095.]

It would appear that the suspension of the execution of the conscription act in the State of Missouri was not construed by the Confederate authorities as exempting the Missouri volunteers from the prolongation of their terms of service under the provisions of the act. Their detention in the service after the expiration of the period for which they were originally enlisted, in connection with their enforced service east of the Mississippi River in violation of assurances given at the time of their enlistment, was the cause of serious disaffection in one of the brigades, calling forth from General Price a strong appeal to the patriotism and patience of its members. This appeal, in which General Price referred at great length to the causes of complaint and the grounds upon which they were based, was published in a general order, dated December 14, 1862, of which the following is a copy:

SPECIAL ORDERS, No. 82. HEADQUARTERS SECOND CORPS, DEPARTMENT OF MISSISSIPPI AND EASTERN LOUISIANA, *Grenada, Miss., December 14, 1862.*

I. The major-general commanding has learned with very profound regret that the troops of Green's brigade are greatly disaffected by reason of their being kept upon this side of the Mississippi River, and particularly by the detention in the service beyond their original term of enlistment. He has been informed that there is danger that some of them may, under the impulse of this disaffection (which has been artfully intensified by designing men), do acts which will not only bring disgrace upon themselves and their families but upon their comrades and their State, and which may bring disaster and ruin upon the cause for which they have done and

suffered so much. He therefore asks them to listen to a few words of counsel and advice.

He admits they have much seeming cause to be discontented. They were, most of them, enlisted under his assurance that they would not be brought away from Missouri, but would be permitted to fight there for the independence of their own State and for the defense or the recovery of their own homes. He believes that without that assurance they would have preferred to fight, as they had theretofore fought, an unpaid soldiery under that flag of Missouri beneath whose folds they had never suffered defeat, but under which they had won victories which will never be forgotten so long as valor and patriotism shall be honored among men. He gave that assurance in perfect good faith, believing then, as he believes now, that he was authorized to give it. The men who had enlisted under that assurance were nevertheless immediately transferred to this side of the Mississippi River, far away from their invaded homes and their hapless families, and they had hardly been brought hither before they were impressed as it were into the service beyond the period of their original and voluntary enlistment.

He admits that these facts have given them too much seeming cause to believe that the Government has designedly entrapped them into its service, and artful men have, he has been told, used these facts to convince them that they have been wronged and outraged by it, and that they ought to resist its attempts to hold them in its service.

If the major-general commanding believed this, and that the Government had acted thus basely, he would place himself at your head and lead you back to the State of your devotion and his love, and no obstacle should prevent him. But, soldiers, he does not believe it. The Government may have erred; it has not willfully or intentionally wronged you.

The major-general commanding has never ceased to urge your transfer back to the Trans-Mississippi Department. He has never, since this war begun, lost sight of the smoke of your camps but once, and then he left you reluctantly to go to Richmond in order to entreat the President to send you and him back to Missouri to battle there for the Confederacy. He has recently forwarded other urgent entreaties to the same effect, and one of his staff is even now in Richmond awaiting the President's answer to them, and he has been informed that the President says that you shall be sent back to Missouri as soon as you can be spared from this place. Await his answer with that patient forbearance which becomes the good citizen as well as the brave soldier.

The major-general commanding has carefully examined the laws relating to this subject, and he thinks that there can be no doubt that the terms of enlistment of all the Missouri troops in this corps between the ages of eighteen and forty years have been extended by the provisions of those acts to three years from their date of enlistment in the Confederate service if the war shall last so long.

The law of April 16 says in so many words that "all the persons aforesaid (that is to say, all white men who are residents of the Confederate States between the ages of eighteen and thirty-five years) who are now in the armies of the Confederacy, and whose term of service will expire before the end of the war, shall be continued in the service for three years from the date of their original enlistment, unless the war shall have been sooner ended," and no subsequent act, in his opinion, changes that provision except to extend the age to forty years.

This may, and doubtless does, seem hard to you, but it is a hardship which bears upon the citizens of every State alike, and surely you, who have shown yourselves to be so brave and patriotic, will not claim exemption from a law which has been manfully submitted to by the citizens of every State in the Confederacy.

Soldiers of Missouri! be patient; be as you have heretofore been, long-suffering and obedient. Remember what you owe, not only to yourselves and to your families, but to the memory of the brave comrades who have already fallen in this death struggle. Remember that they have died that you may be free.

You have by your exalted patriotism and your glorious services not only won for yourselves the respect of the world and the love of the Southern people, but you have made the name of Missouri honored wherever the history of your deeds has been told. Throw not away by an act of cowardly desertion all that you have so hardly and so gloriously won, and bring not disgrace upon the name which you have made so honored just at the day and perhaps at the hour when you may be reaching the wished-for goal of all your struggles and all your hopes.

Remember that you are the inheritors and should be the defenders of the honors and glories which cluster about the old State Guard. Hold the old banner still aloft and trail it not home in disgrace.

No past services, however glorious, can save from dishonor him who meanly

deserts his country and his comrades in the hour of danger nor shield his wife and children from the shame and ignominy which cling ever after to the deserter's family. But if there be among you one cowardly enough to desert let him consider the difficulties which obstruct his path and remember the fate which awaits him. From that fate the major-general commanding can not save him if he would.

Be then patient for awhile. Every effort is being made to accomplish your wishes and to take you back to your homes. Thwart not those efforts by mutinous behavior or dastardly desertion.

The major-general commanding claims the right to speak to you plainly. He has never deceived you. He has never hesitated to share your every discomfort and your every danger. He might at any time have gone back to Missouri to command a new army had he been willing to part from you. He might go there to-morrow if he would consent to leave you; but he will never abandon the brave soldiers and long-suffering men whom he has led from the beginning, who have always followed him so nobly, and who have won for him all the honor and glory which a partial people has lavished upon him. He asks that you will continue to stand by him as he has stood by you and as he will stand by you to the end.

By order of Major-General Price:

THOS. L. SNEAD,
Assistant Adjutant-General.

[Ibid., Series I, Vol. XVII, Part II, p. 794.]

As regards the recruiting service west of the Mississippi, Maj. Gen. Theophilus H. Holmes, commanding the Trans-Mississippi Department, wrote November 15, 1862, that he had in his army about 6,000 Missouri recruits that he had caused to be organized into regiments and mustered into the Confederate service for three years or the war. The entire recruiting service, he said, had been placed in the hands of Col. Waldo P. Johnson. Following is an extract of his report:

HEADQUARTERS TRANS-MISSISSIPPI DEPARTMENT,
Little Rock, Ark., November 15, 1862.

HON. SECRETARY OF WAR:

* * * * * * *

There are in this army about 6,000 Missouri recruits. They are in the service in all sorts of ways, having been raised, some under the Missouri authorities, some under the Confederate authorities, and some under no authority at all, except that of the officers raising them. I have had them all organized into regiments and regularly mustered into the service for three years or the war. The entire recruiting service I have placed under Col. W. P. Johnson, who was sent here for that purpose by General Price, acting under your authority.

* * * * * * *

I am, sir, very respectively, your obedient servant,

TH. H. HOLMES, *Major-General.*

[Ibid., Series I, Vol. XIII, p. 918.]

Writing on the same subject, June 29, 1863, Maj. Gen. T. C. Hindman referred to the difficulties encountered in procuring recruits and the measure of success obtained under the discouraging circumstances under which the service was conducted, there being then twelve fine regiments and three batteries of Missouri troops serving in the Trans-Mississippi Department. He said:

RICHMOND, VA., *June 29, 1863.*

GEN. S. COOPER,
Adjutant and Inspector General.

GENERAL: As a report supplementary to the one made by me on the 19th instant, I beg to mention here the officers to whom I am most indebted for assistance in the labor performed while commanding the Trans-Mississippi District.

In the enrollment and organization of troops from Missouri Brigadier-Generals Parsons and McBride, Colonels Clark, Payne, Jackman, Thompson, Porter, MacDonald, and Shelby, Lieutenant-Colonels Caldwell, Lewis, and Johnson, Majors

Murray, Musser, and Pindall, and Captains Standish, Buchanan, Cravens, Peery, Quantrill, and Harrison were especially zealous and useful. In estimating the value of their labors and of the many other devoted men who assisted them, it is to be considered that, in order to bring out recruits from their State, it was necessary to go within the enemy's lines, taking the risks of detection and punishment as spies, secretly collecting the men in squads and companies, arming, equipping, and subsisting them by stealth, and then moving them rapidly southward through a country swarming with Federal soldiers and an organized militia, and whose population could only give assistance at the hazard of confiscation of property and even death itself. That they succeeded at all under such circumstances is attributable to a courage and fidelity unsurpassed in the history of the war. That they did succeed beyond all expectation is shown by the twelve fine regiments and three batteries of Missouri troops now serving in the Trans-Mississippi Department.

* * * * * * *

I have the honor to be, very respectfully, your obedient servant,

T. C. HINDMAN, *Major-General.*

[Ibid., p. 45.]

Besides the general authority before given to Col. Waldo P. Johnson as recruiting agent for the State of Missouri, it appears that special authority was given him by Lieut. Gen. E. Kirby Smith, then commanding the Trans-Mississippi Department, to go into the State of Missouri and there enlist, for twelve months, volunteer companies for the Confederate service. No record of this special authority has been found, but, based thereon, authority was given Colonel Johnson by Governor Reynolds to impress, in the name of the State and on its credit, such supplies as he might deem necessary in the prosecution of his work. A copy of the governor's order on this subject dated June 27, 1863, with other orders thereto attached, was captured by the Federal troops and is here reproduced:

MILITARY SPECIAL ORDERS, No. 12. } EXECUTIVE DEPARTMENT, STATE OF MISSOURI, *Little Rock, Ark., June 27, 1863.*

I. Col. Waldo P. Johnson, of the Provisional Army of the Confederate States of America, having been authorized by Lieutenant-General Smith, commanding the Trans-Mississippi Department, to go into the State of Missouri and there enlist, for twelve months, volunteer companies for the service of the Confederate States, authority is hereby granted to Col. Waldo P. Johnson, by himself, or his agent therefor by him appointed in writing, to impress, in the name of the State of Missouri and on its credit, all supplies which he may deem necessary or useful in his recruiting service.

II. Whenever supplies are impressed under this order a written certificate shall be given to the person from whom the same are impressed, setting forth the quantity, description, and market value thereof, the person from whom and the place at which they are taken, that the same are impressed under this order, and that compensation will hereafter be made therefor on satisfactory evidence of the loyalty of the owner thereof to the State of Missouri and the Confederate States of America during the present war.

III. A full and accurate account shall be rendered to the quartermaster-general of the State of Missouri of all property impressed under this order, specifying as far as possible the supplies used before and those used after the muster into the Confederate service of the company to which the recruits receiving such supplies may belong.

IV. Every appointment by Col. Waldo P. Johnson of an agent under this order shall be accompanied by a copy of this order, certified by Col. Waldo P. Johnson, and no such agent shall have any authority to appoint any subagent unless expressly thereto authorized in writing by Col. Waldo P. Johnson.

THOS. C. REYNOLDS,
Governor of Missouri and Commander in Chief Missouri State Guards.

A true copy:

WALDO P. JOHNSON,
Lieutenant-Colonel Fourth Missouri Infantry.

JUNE 27, 1863.

Having authorized Col. Edward B. Hull to recruit in the State of Missouri, he is hereby authorized to exercise the following powers granted in the foregoing order of Thomas C. Reynolds, governor of the State of Missouri, to wit:

When he recruits troops for the Confederate service he is authorized to impress provisions for his men and forage for their teams, and also the necessary transportation, keeping an accurate account of the amount taken and the disposition made of the same, being careful in all proceedings to conform strictly with the provisions of said order.

WALDO P. JOHNSON,
Lieutenant-Colonel Fourth Missouri Infantry.

Colonel Hull is authorized to empower as many as six persons to impress supplies in compliance with the foregoing order.

WALDO P. JOHNSON,
Lieutenant-Colonel Fourth Missouri Infantry.

Captain Chambers is authorized to exercise the powers granted in the foregoing order for all troops raised under my orders.

E. B. HULL,
Colonel on Recruiting Service.

[Ibid., Series I, Vol. XXXIV, Part I, p. 645.]

As a part of the record it may be here stated that on August 8, 1863, Lieutenant-General Smith, commanding the Trans-Mississippi Department, requested Governor Reynolds to furnish from his State a brigade of cavalry (Official Records of the Union and Confederate Armies, Series IV, Vol. II, p. 702), but no record has been found of the action taken on this request.

On the 12th of September, 1863, Brig. Gen. F. M. Cockrell, of the First Missouri Brigade, then commanding the division of Missouri troops east of the Mississippi River, in parole camp at Demopolis, Ala., addressed the War Department relative to the condition of the division, its reduction by losses in battle, and the impossibility of obtaining recruits from the west side of the river. In view of existing conditions he requested that Missourians belonging to the Trans-Mississippi Department, captured by the Federal troops and returned to the Confederate lines east of the river, be attached permanently to the regiments and batteries of the division under his command. Following is a copy of his letter:

DEMOPOLIS, ALA., *September 12, 1863.*

Gen. S. COOPER,
Adjutant and Inspector General, Richmond, Va.

GENERAL: I most respectfully and earnestly apply through you to the Secretary of War to have all the Missourians belonging to the Trans-Mississippi Department who have been and may hereafter be captured and sent into our lines by way of City Point and Richmond, Va., ordered into and attached permanently to the Missouri regiments and batteries of this division, now east of the Mississippi River. There are six infantry regiments and two cavalry regiments and five batteries in this division. The six infantry regiments and three batteries compose the First Brigade, Missouri Volunteers, to command which I am assigned, by order of the Secretary of War, in my appointment as brigadier-general. This First Brigade lost in the series of battles preceding and during the siege of Vicksburg, in killed, wounded, and missing, 1,389 men—about one-half of its strength. These regiments and batteries are greatly reduced. The First and Fourth Infantry regiments were consolidated last fall by mutual consent of the officers, the ten companies of each regiment being consolidated into five companies, making one consolidated regiment of ten companies. The First Regiment of Missouri Cavalry and Third Battalion of Missouri Cavalry, both now dismounted and having served as infantry since April, 1862, and two batteries, now compose the Second Brigade, lately commanded by Brig. Gen. M. E. Green, who was killed at Vicksburg, the Arkansas troops of this brigade, five or six regiments in number, having crossed the Mississippi River after the capitulation of Vicksburg. This brigade is now commanded by Col. Elijah Gates, of the First Missouri Cavalry, and is likewise greatly reduced. Both brigades were captured at Vicksburg and are

now in paroled camp at Demopolis, Ala. If this division of Missouri troops is to be kept in the service east of the Mississippi River there are many cogent reasons and arguments in favor of my application. There is now no possible chance to get recruits from the west side of the river. The Missourians belonging to the Trans-Mississippi Department who have been captured and passed into our lines by the Federals, and are now at Camp Lee, Virginia, and Demopolis, Ala., and other points, can not now cross the Mississippi River in any organization, and if they go at all must go in small squads or separately, and in whatever way they may go running risks of being captured; and if effort is made to retain them east of the Mississippi River in any temporary organizations and not connected with troops from their own State, they will naturally become disaffected, considering such only temporary, and will scatter and attempt to cross west of the river.

The regiments and batteries of this division are so greatly reduced and so much decimated that a few more engagements will almost annihilate them and at least compel many consolidations; and consolidations of old organizations are manifestly injurious to the best interests of the service; and if such organizations can be possibly filled and kept distinct by recruits or troops from even new organizations; for soldiers connected with old organizations, which have passed through the ordeal of so many well-embattled fields, are inspired with a morale and a love of glory and regimental honor which will naturally nerve their hearts and strengthen their arms and lead them to deeds of daring and even desperation amid any danger. The Trans-Mississippi Missourians, if ordered into our commands, will probably be of more real value to our cause than they would be elsewhere, and if permanently attached to our organizations under our officers and mustered and paid with our troops they will become better satisfied than they otherwise would be, and will very soon become thoroughly identified with the organizations to which they are attached. The First and Fourth regiments of Missouri Infantry will probably be separated by the desire and agreement of the officers, and if there are any companies at Camp Lee or elsewhere belonging to the Trans-Mississippi Department, and already organized and officered, such company or companies can be ordered into these regiments and still maintain their company organizations and retain their officers. I do not desire any commissioned officers to be ordered here except such as belong to organized commands, and are ordered here with their commands, and all troops ordered here should be distinctly informed that it is permanent until otherwise ordered by the Secretary of War. The gallantry of the troops of this division, shown wherever and whenever they have encountered their oft-met and hated foes, the despoilers of their homes and oppressors of their families and friends, and their patriotism and devotion, as shown so conspicuously at and since the capitulation of Vicksburg, and their ardent desire to keep their present organizations distinct and separate, and to have their thinned ranks filled, that they may continue to represent in force, in the gallant army of our loved and young Confederacy, their loved and native Missouri—their home now groaning under an unparalleled despotism—and my own convictions as to the very best interests of the service impel me to appeal most earnestly to you for the immediate consummation of this application.

Trusting that this application may be cordially approved and receive earliest practicable attention, and that the trans-Mississippi Missourians now at Camp Lee and Demopolis, Ala., or elsewhere, as well as those who may hereafter arrive, may be ordered to and permanently attached to this command,

I am, general, your obedient servant,

F. M. Cockrell,
Brigadier-General, First Missouri Brigade,
And now commanding Bowen's Old Division, Missouri Troops.

[Ibid., Series 1, Vol. LII, Part II, p. 524.]

This letter was approved and forwarded by Lieutenant-General Hardee, and was indorsed by the Secretary of War as follows:

October 14, 1863.

Adjutant-General:

I am anxious to recruit this veteran brigade, and, if practicable, to maintain its honored organizations. Such orders as is desired may be granted if there be any Missourians at Camp Lee or arriving with exchanged prisoners to whom it would apply, but if such men belong to other organizations they must be temporarily assigned, unless with their own consent they are transferred. If assigned, let it be till further orders.

J. A. S. [Seddon.]

[Ibid., p. 526.]

Pursuant to the instructions of the Secretary, an order was issued from the office of the Adjutant and Inspector General directing that "all Missouri soldiers not engaged in actual service east of the Mississippi River," (i. e., those east of the Mississippi River not engaged in actual service) be attached to General Cockrell's (First Missouri) brigade; those belonging to military organizations west of the Mississippi to be temporarily and all others permanently so attached. The chief of the conscription bureau was also directed to assign to the same brigade all Missourians east of the Mississippi liable to conscription. The order on this subject reads as follows:

SPECIAL ORDERS, No. 247. ADJUTANT AND INSPECTOR GENERAL'S OFFICE, *Richmond, October 17, 1863.*

* * * * * * *

IX. All Missouri soldiers not engaged in actual service east of the Mississippi River will report to the commanding general of the First Missouri Brigade at Demopolis, Ala.

The men belonging to military organizations west of the Mississippi River will be temporarily attached to the above-mentioned brigade. The remainder will be permanently attached.

The chief of the conscription bureau will order all Missourians east side of the Mississippi liable to conscription to the same brigade.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS, *Assistant Adjutant-General.*

[Ibid., Series I, Vol. XXXII, Part III, p. 673.]

On the 29th of February, 1864, Lieutenant-General Polk, then commanding at Demopolis, directed that all unattached men in his department belonging to regiments in the Trans-Mississippi Department be formed into a trans-Mississippi battalion. His order was published in a circular of which the following is a copy:

CIRCULAR.] HEADQUARTERS, *Demopolis, February 29, 1864.*

All unattached men in this department belonging to the regiments in the Trans-Mississippi Department are ordered to report to Lieut. Col. H. C. Davis, Cahaba, Ala., for the purpose of being organized into a trans-Mississippi battalion.

By command of Lieutenant-General Polk:

THOS. M. JACK, *Assistant Adjutant-General.*

[Ibid.]

This circular being in conflict with War Department Special Orders, No. 247, quoted above, Lieut. Col. R. S. Bevier, a recruiting officer for General Cockrell's brigade, addressed the Secretary of War as follows:

RICHMOND, VA., *March 24, 1864.*

Hon. J. A. SEDDON, *Secretary of War.*

SIR: I append herewith an order or circular issued by Lieut. Gen. L. Polk, which conflicts with Special Orders, No. 247, of October 17, 1863, issued by yourself in regard to Missourians, and attaching all east of the Mississippi River and not in active service at that time to the First Missouri Brigade, General Cockrell. Fearing this circular of Lieutenant-General Polk might produce a conflict of interests, and be considered to attach to Missourians who come through by the exchange and are sent on to Cockrell's brigade by me to be temporarily attached, although belonging to organizations in the Trans-Mississippi Department, I therefore respectfully ask that General Polk's circular, as far as it applies to Missourians, may be suspended, as conflicting with the said Special Orders, No. 247.

Very respectfully, your obedient servant,

R. S. BEVIER,

Lieutenant-Colonel and Recruiting Officer, Cockrell's Missouri Brigade.

[Ibid., p. 672.]

Upon this representation of the case General Polk was requested to so modify his order that it would not conflict with the previous order of the War Department respecting the assignment of Missouri soldiers to General Cockrell's brigade. The action of the War Department, as indorsed on Colonel Bevier's letter, was as follows:

MARCH 28, 1864.

ADJUTANT-GENERAL:

Call General Polk's attention to the order respecting Missourians to be attached temporarily to General Cockrell's brigade, and request that his order be so modified as not to conflict with it.

J. A. S. [SEDDON.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
March 28, 1864.

Respectfully referred to Lieutenant-General Polk, with attention invited to the indorsement of the Secretary of War, and to Special Orders, No. 247, last series, from this office, a copy of which is inclosed.

By order of Adjutant and Inspector General.

H. L. CLAY, *Assistant Adjutant-General.*

[Ibid., pp. 672, 673.]

No record has been found of the action, if any, taken by General Polk on the order of the Secretary of War.

During the summer and autumn of 1864, an invasion of the State of Missouri by General Price being in contemplation, special attention was given to the subject of recruiting the Missouri forces in the Trans-Mississippi Department. On this subject General Price said in a letter to Governor Reynolds, June 29, 1864:

I believe, as General Rains suggests, that we should send good recruiting officers in advance of the army, supported by a cavalry force to enable him [them] to organize their recruits, and they should be joined by the army before the enemy would have time to concentrate a force to overwhelm them.

[Ibid., Series I, Vol. LIII, p. 999.]

In the same letter (Official Records of the Union and Confederate Armies, Series I, Vol. LIII, p. 1000) General Price said:

He [Col. Sam. Woodson, an ex-member of Congress] says there are 20,000 men in St. Louis alone now armed and waiting to join me.

On the 3d of October, Col. W. R. Gause, Third Missouri Infantry, was ordered by the Secretary of War to report to General Price in Missouri for the purpose of raising troops in that State, or for such other assignment as General Price should direct. Following is a copy of the Secretary's order:

SPECIAL ORDERS, No. 237. ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, October 6, 1864.

* * * * * * *

X. Col. W. R. Gause, Third Missouri Infantry, will proceed with least practicable delay to the State of Missouri and report to Maj. Gen. S. Price for the purpose of raising troops in that State, or such other assignment as may be directed by General Price.

* * * * * * *

By command of the Secretary of War:

JOHN WITHERS,
Assistant Adjutant-General

[Ibid., Series IV, Vol. III, p. 713.]

Of the results of General Price's campaign, in so far as they related to the number of recruits obtained and the proposed distribution of them, Maj. Gen. M. M. Parsons wrote, November 16, 1864:

HEADQUARTERS PARSONS' DIVISION,
Camden, Ark., November 16, 1864.

Maj. Gen. STERLING PRICE,
Commanding Missouri Expedition.

GENERAL: Allow me to congratulate you on your successful campaign in Missouri. Though you were unable to hold the State, the injury you inflicted on the enemy and the large number of recruits brought out by you exceeded my most sanguine calculations.

* * * * * * *

As you stated to me your purpose before leaving for Missouri was, if you succeeded in recruiting sufficiently, to fill my old regiments to their maximum, a new regiment should be added to my division in order to equalize the brigades. I have now five regiments, one battalion sharpshooters, and two batteries. To fill all to the maximum and form the new regiment would take 5,900 men. I, by your direction, stated to my officers on my return from my last visit to you your intentions on this subject. It was highly satisfactory. They and the men were all content. Only two desertions since you left. After giving the complement of men I ask, I should like very much to see another infantry division organized of Missourians, then take mine and that and make a corps for you. You would have a command of infantry about 20,000 strong, which, drilled and equipped, would be the finest corps in the service.

* * * * * * *

With great respect and esteem, your friend, truly,

M. M. PARSONS, *Major-General.*

[Ibid., Series I, Vol. XLI, Part IV, p. 1054.]

On this subject General Price said, in his report dated December 28, 1864, of his expedition into Missouri:

I brought with me at least 5,000 new recruits, and they are still arriving in large numbers daily within our lines, who bring the cheering intelligence that there are more on their way to the army. After I passed the German settlements in Missouri my march was an ovation. The people thronged around us and welcomed us with open hearts and hands. Recruits flocked to our flag in such numbers as to threaten to become a burden instead of a benefit, as they were mostly unarmed. In some counties the question was not who should go to the army, but who should stay at home. I am satisfied that could I have remained in Missouri this winter the army would have been increased 50,000 men.

[Ibid., Series I, Vol. XLI, Part I, p. 640.]

Like the Missouri State Guard, the Missouri volunteers in the Confederate service achieved for themselves an enviable reputation for gallantry in the field, and such prestige as may have been lost to the Missouri troops by the temporary disaffection among the members of one brigade at the expiration of their original term of enlistment appears to have been regained by the pledges subsequently given by certain regiments of service "for forty years," if necessary to the success of the cause in which they were engaged. In acknowledgment of these "pledges of fidelity to the cause of Southern independence" the Confederate Congress voted a resolution of thanks, of which the following is a copy:

JOINT RESOLUTION of thanks to Missouri officers and soldiers in the Confederate service east of the Mississippi River.

Resolved by the Congress of the Confederate States of America, That the thanks of Congress are eminently due, and are hereby tendered, to Brig. Gen. F. M. Cockrell, and the officers and soldiers composing the First, Second, Third, Fourth, Fifth, and Sixth regiments of Missouri Infantry, First, Second, and Third regiments of Missouri Cavalry, the batteries of Bledsoe, Landis, Guibor, Walsh, Dawson, and Barret, and Woodson's detached company, all in the service of the Confederacy, east of the Mis-

sissippi River, for the prompt renewal of their pledges of fidelity to the cause of Southern independence for forty years, unless independence and peace, without curtailment of boundaries, shall be sooner secured.

Approved, May 23, 1864.

[Ibid., Series I, Vol. XXXVIII, Part III, p. 1008.]

In the absence of the official returns and many of the muster rolls it is impossible to determine the number of Missouri volunteers in the Confederate service, but after the consolidation of incomplete organizations there were, as nearly as can be ascertained, sixteen regiments and twelve battalions of cavalry, fourteen regiments and two battalions of infantry, and twenty-one companies of artillery, which, at the minimum strength, according to the Confederate plan of organization, would aggregate about 31,000 men of all arms.

In estimating the number of volunteer troops furnished by Missouri to the Confederate States during the civil war it should, however, be considered that many of the regiments were probably above the minimum strength, and that large numbers of recruits were received to supply the losses in battle, and from other casualties of the service.

LOCAL DEFENSE.

In the act of the general assembly of the State of Missouri, approved May 14, 1861, quoted in this paper under the title of "Missouri State Guard," division inspectors were authorized to organize companies of Home Guards, to be composed of persons not within the age limits required for membership of the regiments of the State Guard organized for general service.

Provision was also made by the Confederate Government for the organization of corps for local defense. By an act of Congress approved August 21, 1861, the President was authorized to accept volunteers "for the defense of exposed places or localities," or for such special service as he might deem expedient, such troops to be mustered into the service of the Confederate States and to be subsisted and paid for such time as they should be employed under the orders of the President. Following is a copy of the act:

AN ACT to provide for local defense and special service.

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to accept the services of volunteers of such kind and in such proportion as he may deem expedient, to serve for such time as he may prescribe, for the defense of exposed places or localities, or such special service as he may deem expedient.

SEC. 2. And such forces shall be mustered into the service of the Confederate States, for the local defense or special service aforesaid, the muster roll setting forth distinctly the services to be performed; and the said volunteers shall not be considered in actual service until thereunto specially ordered by the President. And they shall be entitled to pay or subsistence only for such time as they may be on duty under the orders of the President or by his direction.

SEC. 3. Such volunteer forces, when so accepted and ordered into service, shall be organized in accordance with and subject to all the provisions of the act entitled "An act to provide for the public defense," approved March sixth, one thousand eight hundred and sixty-one, and may be attached to such divisions, brigades, regiments, or battalions as the President may direct, and when not organized into battalions or regiments before being mustered into service the President shall appoint the field officers of the battalions and regiments when organized as such by him.

Approved, August 21, 1861.

[Official Records of the Union and Confederate Armies, Series IV, Vol. I, p. 579.]

By an act approved April 21, 1862, the President was authorized to organize "bands of partisan rangers" for a more permanent service, to be received into the service of the Confederate States and to receive the same pay, rations, and quarters, and be subject to the same regulations as other troops. This enactment reads as follows:

AN ACT to organize bands of partisan rangers.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the President be, and he is hereby, authorized to commission such officers as he may deem proper with authority to form bands of partisan rangers, in companies, battalions

egiments, either as infantry or cavalry, the companies, battalions, or regiments e composed each of such numbers as the President may approve.
EC. 2. *Be it further enacted*, That such partisan rangers, after being regularly ived into service, shall be entitled to the same pay, rations, and quarters during r term of service, and be subject to the same regulations, as other soldiers.
EC. 3. *Be it further enacted*, That for any arms and munitions of war captured n the enemy by any body of partisan rangers and delivered to any quartermaster uch place or places as may be designated by a commanding general, the rangers l be paid their full value in such manner as the Secretary of War may prescribe.
pproved, April 21, 1862.
Ibid., p. 1094.]

n a later act, approved October 13, 1862, provision was made for formation of squads or companies for local defense, in any part of Confederacy, by the voluntary association together of individuals ver the age of forty-five years, or otherwise not liable to military y," who should elect their own officers and be governed by rules l regulations to be established by themselves, and be considered as onging to the Provisional Army of the Confederate States, serving hout pay or allowances, and entitled, when captured, to all the vileges of prisoners of war. This act contained the proviso that in States and districts in which the act of April 16, 1862 (the conription act), was suspended, persons of any age, resident therein, ght volunteer and form parts of such squads or companies so long the suspension of the operation of the conscription act should conue, the only condition being that the persons so volunteering uld first take the oath of allegiance to the Confederate States. e enactment referred to is here quoted:

AN ACT to authorize the formation of volunteer companies for local defense.

The Congress of the Confederate States of America do enact, That for the purpose of l defense in any portion of the Confederate States, any number of persons not than twenty, who are over the age of forty-five years, or otherwise not liable to tary duty, may associate themselves as a military company, elect their own offi-, and establish rules and regulations for their own government, and shall be conred as belonging to the Provisional Army of the Confederate States, serving iout pay or allowances, and entitled, when captured by the enemy, to all the ileges of prisoners of war: *Provided*, That such company shall, as soon as prac-ble, transmit their muster roll, or a list of the names of the officers and privates reof, to the governor of the State, the commanding general of the department, or brigadier-general in the State or Confederate service, to be forwarded to the Secry of War; but the President or the commander of the military district may, at time, disband such companies: *Provided*, That in the States and districts in ch the act entitled "An act to further provide for the public defense," approved il the sixteenth, eighteen hundred and sixty-two, and the acts amendatory reof, have been suspended, persons of any age, resident within such States or dis-ts, may volunteer and form part of such companies so long as such suspension l continue: *Provided*, That no person shall become a member of said company l he shall have first taken the oath of allegiance to the Confederate States of erica in writing, a copy of which shall be filed with the muster roll of said comy as above prescribed.
pproved, October 13, 1862.
Ibid., Series IV, Vol. II, p. 206.]

n the regulations formulated by the Confederate War Department out February, 1863, for the "organization of troops," it was nounced that no troops would be accepted for local service "unless uired by the officer commanding the district in question," and then y as prescribed by the act of August 21, 1861, "receiving pay, subtence, etc., only while in actual service." (Official Records of the ion and Confederate Armies, Series IV, Vol. I, p. 824.)

In an order issued by the War Department April 28, 1862, it was announced, under the head of "Additional Corps—Guerrilla Service," that applications for the formation of bands of partisan rangers under the act of April 21, 1862, should be made through the commanding generals of the military departments in which such corps were to be employed (Ibid., p. 1098), and in the same order it was further announced that corps raised for local defense (evidently those formed under the act of August 21, 1861) would retain their organization during the terms of their enlistment unless previously disbanded. (Ibid., p. 1099.)

The irregularities reported as having been committed by the partisan corps rendered it necessary that they be brought under stricter discipline than had before been enforced, and the commanders of military departments were therefore directed to combine them into battalions and regiments, in order that they might be brought under the same regulations and discipline as other troops. Such of the partisan corps as were serving within the enemy's lines were, however, excepted from the operation of the order. The order of the War Department on this subject, dated June 12, 1863, reads as follows:

GENERAL ORDERS, No. 82. ADJUTANT AND INSPECTOR GENERAL'S OFFICE, *Richmond, June 12, 1863.*

The second section of the act entitled an act to organize partisan rangers provides that such partisan rangers, after being regularly received into service, shall be entitled to the same pay, rations, and quarters during their term of service and be subject to the same regulations as other soldiers. The irregularities reported to this department as having been committed by such corps renders it proper that these corps shall be placed under stricter regulations than those heretofore adopted. The generals commanding the departments in which they are serving are hereby authorized to combine them into battalions and regiments with the view to bringing them under the same regulations as other soldiers in reference to their discipline, position, and movements; and the same officers will recommend any further measures for their organization as an integral portion of their commands as will in their opinion promote their efficiency and the interest of the service. The general of the department will recommend field officers for the organizations that may be made, to be submitted for the consideration of the President. Such partisan corps as are serving within the enemy's lines are for the present excepted from this order.

By order:

S. COOPER,
Adjutant and Inspector General.

[Ibid., p. 585.]

By an act of congress approved February 17, 1864, the act of April 21, 1862, authorizing the organization of partisan bands was repealed and measures similar to those previously adopted by the War Department were authorized for the purpose of bringing into a proper state of discipline the bands then in existence. As in the War Department order, however, the partisan corps serving within the enemy's lines were, within the discretion of the Secretary of War, excepted from the contemplated changes. Following is a copy of the act referred to:

A BILL to repeal an act to organize bands of partisan rangers, approved April twenty-first, eighteen hundred and sixty-two, and for other purposes.

The congress of the Confederate States of America do enact, That the act of congress aforesaid be, and the same is hereby, repealed: *Provided*, That organizations of partisan rangers acting as regular cavalry at the passage of this act shall be continued in their present organization: *Provided*, They shall hereafter be considered as regular cavalry and not as partisan rangers.

SEC. 2. That all the bands of partisan rangers organized under the said act may, as the interests of the service allow, be united with other organizations, or be organized into battalions and regiments, with the view to bringing them under the general conditions of the Provisional Army as to discipline, control, and movements, under such regulations as the Secretary of War may prescribe.

SEC. 3. The Secretary of War shall be authorized, if he deems proper, for a time, or permanently, to except from the operation of this act such companies as are serving within the lines of the enemy, and under such conditions as he may prescribe.

Approved, February 17, 1864.

[Ibid., Series IV, vol. III, p. 194.]

It can not be ascertained from any accessible records what number of Home Guards, if any, was organized under the act of the Missouri legislature of May 14, 1861, or what number of "Partisan Rangers" or troops for "local defense," if any, was raised in the State of Missouri under the acts of the Confederate Congress quoted above, but it is known that a very large number of individuals not belonging to any regular military organizations were engaged in that State in opposition to the military forces of the United States and the State militia and Home Guards serving in cooperation with the Federal troops. Of this the following from Confederate sources alone is sufficient evidence:

On December 3, 1861, President Davis, writing to Hon. W. P. Harris, of Mississippi, said: "The contest [in Missouri] is therefore to be on a scale of very different proportions than that of the partisan warfare witnessed during the past summer and fall." (Official Records of the Union and Confederate Armies, Series I, Vol. VIII, p. 701.) On the 13th of December the Missouri delegation in congress remarked in a letter to General Price: "The President is further pleased to intimate that our guerrilla fighting in Missouri must now give place to a different mode, that of regular, systematic warfare" (Ibid., Series I, Vol. LIII, p. 762), and on June 10, 1862, Hon. Thomas A. Harris, a member of congress from Missouri, addressed a letter to the Secretary of War relative to the character of the contest in Missouri and the class of troops employed. In this letter he said:

RICHMOND, *June 10, 1862.*

HON. GEORGE W. RANDOLPH,
Secretary of War.

SIR: In pursuance of the understanding involved in our conversation of this morning, I proceed to reduce to writing the inquiries then propounded, with the view of eliciting answers which I may be at liberty to use in furtherance of the policy adopted by the Government; and if in the course of propounding the inquiries I should digress in such a manner as to introduce a suggestion or an argument, I indulge the hope that you will not attribute it to any impertinent attempt at dictation or a desire to introduce unsolicited advice. On the contrary, I feel assured that in the anomalous and unfortunate condition of the gallant people of Missouri, whom I have the honor in part to represent, sufficient justification may be found for any anxiety which I may manifest. But to proceed to the object of my letter: The State of Missouri at this moment is at the mercy of the enemy. Not a single Confederate soldier treads her soil, and her brave sons, as far as possible, have been transferred to the east bank of the Mississippi River by the act of the Confederate Government. It is not my purpose to dwell in eulogy upon the self-sacrificing patriotism of those brave men of Missouri who, after a protracted campaign of endurance and glory, have followed their heroic leader through the fatiguing marches of the mountains of Arkansas to the soil of Tennessee, leaving behind their homes and families to the mercy of an unprincipled enemy. History will do justice to the act of magnanimous patriotism. The object of this letter is to ascertain the line of policy which this Government would recommend to the people of Missouri now within the limits of the State to pursue. It can not be unknown to you, sir, that a general system of guerrilla warfare now desolates the State; that the loyal citizens, writhing under the yoke and oppression of the enemy, are struggling unaided and illy provided with the indispensable materials of war to assist and maintain their liberty, property, and self-respect; that acts of unprecedented oppression and barbarity, in violation of all the principles of civilized warfare, are daily perpetrated upon that gallant people. We can ascribe this continued and self-sacrificing struggle maintained by the people of Missouri so unequally to none other cause than their utter detestation of the enemy and their loyalty to the Government of the Confederate States.

The question then presents itself, Does this exhausting and unequal system of defense adopted by the people of Missouri obtain the approbation of the Government? And does it, in the opinion of the Government, contribute toward the ultimate success of the common cause? An answer in affirmative to the inquiry would in my opinion devolve upon this Government the institution of such retaliatory measures as would compel the enemy to treat prisoners captured in the State of Missouri in accordance with the rules of civilized warfare, and the additional obligation of supplying the men in the field in that State promptly and to the extent of its ability with such munitions of war as are indispensably necessary. Further, I may say that the troops in the field under State authority, commanded by officers duly commissioned by the governor of Missouri, should be placed upon a footing of absolute or approximate equality with other soldiers of the Confederate Army. But should your reply be in the negative, is it not proper and expedient that the Government of the Confederate States should interpose so far as to convey to the people of Missouri an expression of its disapproval of the policy there inaugurated, and indicate such a line of policy for them to pursue as would harmonize with the views of the Government? It is for the Government to judge of the difficulty, sacrifice, and advantage to result from maintaining military operations in Missouri hundreds of miles from any efficient supporting column, in which determination the extraordinary difficulties of communication and transportation will of course receive due consideration.

* * * * * * *

THOMAS A. HARRIS, *Member of Congress.*

[Ibid., Series I, Vol. XIII, p. 833.]

Further evidence on the same subject is found in a letter from General Price to Governor Reynolds, dated November 2, 1863, of which the following is an extract:

CAMP BRAGG, ARK., *November 2, 1863.*

His Excellency Governor THOMAS C. REYNOLDS,
Marshall, Tex.

DEAR SIR: I have the honor to inclose to you an official copy of Colonel Quantrill's report of his march from Missouri River to Canadian, detailing in a terse but graphic style his attack upon Fort Baxter and upon Major-General Blunt and escort. This report was handed to me by Captain Brinker, whom you will see bore a conspicuous part in the attack. Colonel Quantrill has now with him some 350 men of that daring and dashing character which has made the name of Quantrill so feared by our enemies, and have aided so much to keep Missouri, though overrun by Federals, identified with the Confederacy. The services of these men can not be spared, but an obstacle presents itself which I fear will require more than my exertions to overcome. To engage your valuable assistance in the task is the object of this communication. It is with much regret that I find a disposition in these men to avoid coming into the service of the Confederacy. Indeed, it is this reluctance which has caused them to avoid the proximity of this army in the march southward in search of that rest which they and their horses require so much. Yet they have sent Captain Brinker to me to make known their wants as to the selection of service, for as to clothing, arms, ammunition, horses, they want nothing, and indeed they are totally indifferent as to pay. They desire to serve with me as partisans, and in this they are adepts, and could be made very valuable as such to the army; but for reasons which they hold good they will not come under the direct command of General Holmes, nor will they be attached to any brigade, but are willing and anxious to serve if allowed to do so as above. I have urged upon them to join regularly our army and subject themselves to such orders as its welfare might require. As it is possible they will visit your neighborhood, you could use your influence to good advantage by urging them to attach themselves to the army. Their objections are not without foundation. In the first place, many of those restless spirits, chafing under the inactivity of the army in Arkansas during the last winter and spring, deserted from General Hindman's and General Holmes's commands to seek more active scenes of operations—errors might be overlooked by an extension of the President's clemency toward deserters. Again, they have been outlawed by the Federal authorities, and expect no mercy or clemency at their hands, not even the chances of prisoners of war; and they think that if used only as scouts and rangers, to ascertain and watch the movements of an enemy, they would be able to protect themselves against any

surrender of our forces, should such a calamity overtake us. Captain Brinker reports to me that he has now a battalion of these men which he would bring into the service for such a purpose if allowed to place them under my immediate command.

* * * * * * *

With considerations of personal regard and esteem, I remain,
Your obedient servant,

STERLING PRICE.

[Ibid., Series I, Vol. LIII, p. 907.]

It is probable that many of the irregular organizations in Missouri, especially those which existed prior to the Confederate legislation of October 13, 1862, were formed without any authority, either military or legislative, but those formed after that date should probably be classed among the squads and companies organized under the act referred to for local defense; and in this connection it is to be noted that Missouri was one of the States in which the conscription act was suspended, and that therefore all citizens of whatever age were authorized by the act of October 13, 1862, to form themselves into companies for local defense.

It is not the purpose to here quote the voluminous correspondence and orders relative to the treatment of members of partisan corps and companies organized for local defense when captured by the enemy, but it may be stated that troops of the former class were recognized as entitled to the privileges of prisoners of war, while those of the latter class, commonly called guerrillas, were, in the State of Missouri, summarily shot when captured by the enemy within his own lines. This treatment of guerrillas is believed to have been accorded by both belligerents.

As before stated, the number of partisan or local troops organized in Missouri during the civil war is not known and there are no records on file from which a satisfactory approximation can be made. It was, however, sufficiently large to give the Federal authorities much annoyance and to occupy the attention of a military force that would otherwise have been available for other fields of service. A list of the few organizations of which official mention has been found accompanies this paper.

LISTS OF CONFEDERATE ORGANIZATIONS.

LIST OF MISSOURI STATE GUARD ORGANIZATIONS COOPERATING WITH CONFEDERATE TROOPS.

CAVALRY.

First Regiment, First Division.
First Battalion, First Division. (Became Third Cavalry Regiment, First Division.)
First Battalion, Independent Rangers. (Second Cavalry Battalion, First Division.)
First Regiment, Fourth Division.
First Regiment, Fifth Division.
First Regiment, Sixth Division.
First Battalion, Seventh Division.
First Regiment, Eighth Division.
Second Regiment, First Division.
Second Battalion, First Division. (Also known as First Cavalry Battalion, Independent Rangers.)
Second Regiment, Sixth Division.
Second Regiment, Eighth Division.
Third Regiment, First Division. (See First Cavalry Battalion, First Division.)
Third Regiment, Eighth Division.
Fourth Regiment, Eighth Division.
Fifth Regiment, Eighth Division.
Sixth Regiment, Eighth Division.
Seventh Regiment, Eighth Division. (See Vernon County Cavalry Battalion.)
Eighth Regiment, Eighth Division.
Ninth Regiment, Eighth Division.
Tenth Regiment, Eighth Division.
Eleventh Regiment, Eighth Division.
Twelfth Regiment, Eighth Division.
Thirteenth Regiment, Eighth Division.
Fourteenth Regiment, Eighth Division.
Bruce's Regiment, Second Division.
Burbridge's Regiment, Second Division.
Callaway Guards. (Capt. D. H. McIntyre's company, Second Division. Probably cavalry, but not positively ascertained.)
Extra Battalion, Fourth Division. (Attached to First Infantry Regiment.)

[a] This list is made up from such official data as have been discovered on the files of the War Department, but the rolls of the State Guard organizations are not on file, and other records are meager. The list, although probably not complete, is as nearly complete as it can be made from the records of the Department.

Franklin's Regiment, Second Division.
Green's Regiment, Second Division.
Hawkins's Regiment, Second Division.
Kennett Rovers. (Company B, First Cavalry Regiment, First Division.)
Major's Regiment, Third Division.
Missouri Rangers. (Company A, First Cavalry Regiment, First Division.)
Plattin Rangers. (Capt. White Kennett's company. Probably cavalry, but not positively ascertained.)
Vernon County Battalion. (Became Seventh Cavalry, Eighth Division.)

ARTILLERY.

First Battalion, Fifth Division. (Probably composed of O'Reirdon's, Richardson's, and McDonald's batteries, Companies A, B, and C.)
Bledsoe's Battery, commanded by Capt. H. M. Bledsoe. (Reorganized for Confederate service.)
Clark's Battery. (Reorganized for Confederate service.)
Gorham's Battery. (Reorganized for Confederate service.)
Guibor's Battery. (Reorganized for Confederate service.)
Kelly's Battery.
Kneisley's Battery.
McDonald's Battery C, commanded by Capt. Robert McDonald. (Reorganized for Confederate service. See First Artillery Battalion.)
O'Reirdon's Battery A. (See First Artillery Battalion.)
Richardson's Battery B. (See First Artillery Battalion.)
Wade's Battery. (Reorganized for Confederate service.)

INFANTRY.

First Regiment, First Division.
First Battalion, First Division.
First Regiment, Third Division.
First Regiment, Fourth Division.
First Regiment, Fifth Division.
First Battalion, Fifth Division.
First Battalion, Seventh Division.
First Regiment, Eighth Division.
Second Regiment, First Division.
Second Battalion, First Division.
Second Regiment, Third Division.
Second Regiment, Fourth Division.
Second Regiment, Fifth Division.
Second Regiment, Eighth Division.
Third Regiment, First Division.
Third Battalion, First Division.
Third Regiment, Third Division.
Third Regiment, Fifth Division.
Third Regiment, Eighth Division.
Fourth Regiment, First Division.
Fourth Regiment, Third Division.
Fourth Regiment, Eighth Division.

Fifth Regiment, First Division.
Fifth Regiment, Third Division.
Fifth Regiment, mounted, Fifth Division.
Fifth Regiment, Eighth Division.
Fifth Battalion. (Division not ascertained.)
Sixth Regiment, Third Division.
Sixth Regiment, Eighth Division.
Alexander's Regiment, Sixth Division.
Blue Rangers. (Company E, First Infantry Regiment, Eighth Division.)
Coleman's Regiment. (Division not ascertained.)
Dill's Battalion, Sixth Division.
Extra Battalion, Fourth Division. (Attached to First Infantry Regiment, Fourth Division.)
Kelly's Regiment, Sixth Division.
Marble City Guards. (Company A, First Infantry Battalion, First Division.)
Rawling's Battalion, Second Division.
Robinson's Battalion, Second Division.
Ross's Regiment. (Division not ascertained.)
Thornton's Battalion, Fourth Division.

LIST OF MISSOURI ORGANIZATIONS IN THE SERVICE OF THE CONFEDERATE STATES.

CAVALRY.

First (Gates's) Regiment.
First (Elliott's) Battalion. (Also known as Tenth Cavalry Battalion. Recruited to a regiment.)
First Battalion. (See Fourth Cavalry Battalion.)
First Northeast Regiment. (Consolidated with Second Northeast Cavalry Regiment to form Franklin's Seventh Infantry Regiment.)
First Battalion, First Indian Brigade.
First and Third Regiment, dismounted. (Formed October 1, 1863, by the consolidation of dismounted men of different organizations.)
Second Regiment.
Second Northeast Regiment. (See First Northeast Cavalry Regiment.)
Third Regiment.
Third Battalion. (Also known as Fifth and Sixth Cavalry Battalion. Temporarily consolidated with First Cavalry Regiment.)
Fourth Regiment.
Fourth Battalion. (Also known as First Cavalry Battalion. Consolidated with Second Cavalry Regiment.)
Fifth Regiment. (Also known as La Fayette County Regiment.)
Fifth Battalion. (See Third Cavalry Battalion.)
Sixth Regiment. (Also known as Southwest Cavalry; became Eleventh Cavalry Regiment.)
Sixth Battalion. (See Third Cavalry Battalion.)
Seventh Regiment. (Also known as Kitchen's Tenth Cavalry Regiment.)
Eighth Regiment.
Tenth (Lawther's) Regiment.
Tenth (Kitchen's) Regiment. (See Seventh Cavalry Regiment.)
Tenth Battalion. (See First Cavalry Battalion.)
Eleventh Regiment.
Eleventh Battalion. (Consolidated with Lawther's Tenth Cavalry Regiment.)
Twelfth Regiment.
Twelfth Battalion.
Fourteenth Battalion.
Fifteenth Regiment.
Clark's Regiment. (Also known as Clark's Recruits.)

[a] This list is made up from such official data as have been discovered on the files of the War Department, but the rolls and other records of Confederate organizations are incomplete, and the list is not given as a complete roster of Missouri organizations in the Confederate service. It is as nearly complete as it can be made from the records on file.

Clark's Recruits. (Clark's Cavalry Regiment.)
Clarkson's Battalion Independent Rangers. (Missouri and Arkansas troops, merged into Clark's Ninth Infantry Regiment.)
Coffee's Regiment.
Crandall's Battalion.
Davies's Battalion.
Freeman's Regiment.
Fristoe's Regiment.
Hunter's Regiment.
Jackman's Regiment.
Jackson County Regiment. (Became Twelfth Cavalry Regiment.)
Jeffers's Battalion. (Became Eighth Cavalry Regiment.)
Kitchen's Battalion. (Became Seventh Cavalry Regiment.)
La Fayette County Regiment. (Fifth Cavalry Regiment.)
Lawther's Temporary Regiment, dismounted. (Organized in August, 1863, by assignment of companies from the Fourth, Fifth, Sixth, Tenth, and Twelfth Cavalry regiments.)
MacDonald's Regiment. (Became Eleventh Cavalry Battalion.)
Northeast Battalion. (Snider's Cavalry Battalion.)
Perkins's Regiment.
Preston's Battalion. (Consolidated with Fourth Cavalry Regiment.)
Reves's Battalion.
Roberts's Company.
Schnable's Battalion.
Searcy's Regiment.
Slayback's Battalion.
Snider's Battalion. (Also known as Northeast Cavalry.)
Southwest Regiment. (Sixth, subsequently Eleventh, Cavalry Regiment.)
Western Rangers. (Company C, Second Cavalry.)
Williams's Battalion.
Windsor Guards. (Company I, Second Cavalry.)

ARTILLERY.

Barret's Battery. (See Rice's Battery.)
Bell's Battery. (See Hamilton's Battery.)
Bledsoe's Battery, commanded by Capt. Hiram M. Bledsoe.
Bledsoe's Battery, commanded by Capt. Joseph Bledsoe.
Bowman's Battery. (Subsequently Parson's Battery.)
Clark Artillery, commanded by Capt. S. Churchill Clark; subsequently by Capt. Clark W. Kennerly and Capt. Houston King.
Collins's Battery.
Dawson's Battery. (See St. Louis Battery.)
Foster's Battery. (Consolidated with Ninth Battalion, Sharpshooters.)
Gorham's Battery. (Subsequently Tilden's Battery and Lesueur's Battery.)
Griswold's Battery.
Guibor's Battery.
Hamilton's Battery. (Subsequently Bell's Battery. Also known as Prairie Gun Battery. Attached to Eleventh Cavalry Battalion.)
Harris's Battery, old. (Consolidated with McDonald's (Robert) Battery to form Company D, Sixth Infantry.)
Harris's Battery, new.
Hunter's Battery.

Jackson Battery. (Also known as Lucas's Battery, and Lowe's Battery. Consolidated with St. Louis Battery.)
Kennerly's Battery. (See Clark Artillery.)
King's Battery. (See Clark Artillery.)
Landis's Battery.
Lesueur's Battery. (See Gorham's Battery.)
Lowe's Battery. (See Jackson Battery.)
Lucas's Battery. (See Jackson Battery.)
McDonald's Battery, commanded by Capt. Emmett McDonald. (See St. Louis Battery.)
McDonald's Battery, commanded by Capt. Robert McDonald. (Originally Company C, Missouri State Guard Artillery; consolidated with Harris's Battery, old, to form Company D, Sixth Infantry Regiment.)
Parson's Battery. (Became Company I, Sixth Infantry Regiment. See Bowman's Battery.)
Prairie Gun Battery. (See Hamilton's Battery.)
Rice's Battery. (Subsequently Barret's Battery.)
Roberts's Battery. (Subsequently Ruffner's Battery.)
Ruffner's Battery. (See Robert's Battery.)
St. Louis Battery. (Also known as McDonald's (Emmett) Battery and Dawson's Battery.)
Tilden's Battery. (See Gorham's Battery.)
Tull's Battery.
Wade's Battery. (Subsequently Walsh's Battery.)
Walsh's Battery. (See Wade's Battery.)
Woodson's Battery. (Company C, Fourteenth Cavalry Battalion.)

INFANTRY.

First (Bowen's) Regiment.
First (Burbridge's) Regiment. (See Burbridge's Second Infantry Regiment.)
First Regiment. (See Tenth Infantry Regiment.)
First (Johnson's) Battalion. (Consolidated with Fourth Infantry Regiment.)
First Battalion, First Brigade, Army of Tennessee. (See Second Infantry Battalion.)
First and Fourth Regiment, consolidated.
Second (Burbridge's) Regiment. (Also known as First Infantry Regi- Regiment.)
Second (Hunter's) Regiment. (Served as cavalry until dismounted, August 31, 1862. Subsequently Eighth, changed to Eleventh, Infantry Regiment.)
Second Regiment. (See Gause's Third Infantry Regiment.)
Second Battalion. (Also known as First Infantry Battalion, First Brigade, Army of Tennessee. Consolidated with Fifth Infantry Regiment.)
Second and Sixth Regiment. (Formed by consolidation of the Second and Sixth Infantry regiments October 1, 1863.)
Third (Gause's) Regiment. (Also known as Second Infantry Regiment.)
Third Regiment. (See White's Ninth Infantry Regiment.)
Third (Erwin's) Battalion. (Also known as Fifth Infantry Battalion. Merged into Sixth Infantry Regiment.)

Third and Fifth Regiment. (Formed by consolidation of the Third and Fifth Infantry regiments.)
Fourth Regiment. (Consolidated with First Infantry Regiment.)
Fifth Regiment. (Consolidated with Third Infantry Regiment.)
Sixth Regiment. (Formed from Erwin's Third and Hedgpeth's battalions. Consolidated with Second Infantry Regiment.)
Seventh (Franklin's) Regiment. (Formed by consolidation of First and Second Northeast Cavalry regiments.)
Seventh (Jackman's) Regiment. (Also called First, Third, Fourth, Fourteenth, Fifteenth, and Sixteenth Infantry Regiment.)
Seventh (Mitchell's) Battalion. (Consolidated with Frazier's Battalion to form Mitchell's Eighth Infantry Regiment.)
Eighth (Burns's) Regiment. (Formerly Hunter's Second Infantry Regiment; subsequently Eleventh Infantry Regiment.)
Eighth (Mitchell's) Regiment. (Also known as Fifth Infantry Regiment. Formed by consolidation of Mitchell's Seventh and Frazier's Infantry battalions.)
Eighth Battalion. (Consolidated with Clark's Ninth Infantry Regiment.)
Ninth (Clark's) Regiment. (Formed from Eighth Infantry Battalion and the Missouri companies of Clark's Arkansas and Missouri Battalion.)
Ninth (White's) Regiment. (Also known as Third and Twelfth Infantry Regiment.)
Ninth Battalion, Sharpshooters. (Also known as Pindall's Sharpshooters.)
Tenth Regiment. (Also known as First Infantry Regiment.)
Eleventh Regiment. (See Hunter's Second and Burns's Eighth Infantry regiments.)
Twelfth Regiment. (See White's Ninth Infantry Regiment.)
Thirteenth Regiment. (Also known as Fourteenth Infantry Regiment.)
Thirteenth Battalion, mounted.
Fourteenth Regiment.
Fourteenth Regiment. (See Thirteenth Infantry Regiment.)
Fifteenth Regiment.
Sixteenth Regiment.
Clarkson's Battalion, Arkansas and Missouri volunteers. (The Missouri companies were consolidated with the Eighth Infantry Battalion to form Clark's Ninth Infantry Regiment.)
Frazier's Battalion. (Consolidated with Mitchell's Eighth Infantry Regiment.)
Hedgpeth's Battalion. (Consolidated with Sixth Infantry Regiment.)
Hughes's Battalion.
Hunter's Battalion. (Became Hunter's Second Infantry Regiment.)
Macfarlane's Battalion. (Consolidated with Fourth Infantry Regiment.)
Pickett's Battalion.
Pindall's Sharpshooters. (Ninth Infantry Battalion.)
Rosser's Battalion.
Stern's Battalion.
Winston's Regiment.

LIST OF MISSOURI LOCAL DEFENSE ORGANIZATIONS, CONFEDERATE SERVICE.

Boone's.	Coleman's.	Hindman's.	Parcel's.
Cameron's.	Crabtree's.	Hudson's.	Quantrill's.
Cobb's.	Crow's.	Hunter's.	Reves's.
Cockrell's.	Hawthorne's.	Irwin's.	Tracy's.

[a] This list is made up from such official mention of the Missouri local defense organizations as has been discovered, but the rolls of the organizations are not on file in the War Department, and it is probable that none were ever prepared. The number of such local organizations is not known, but there is reason to believe that it was very largely in excess of the number here given.

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